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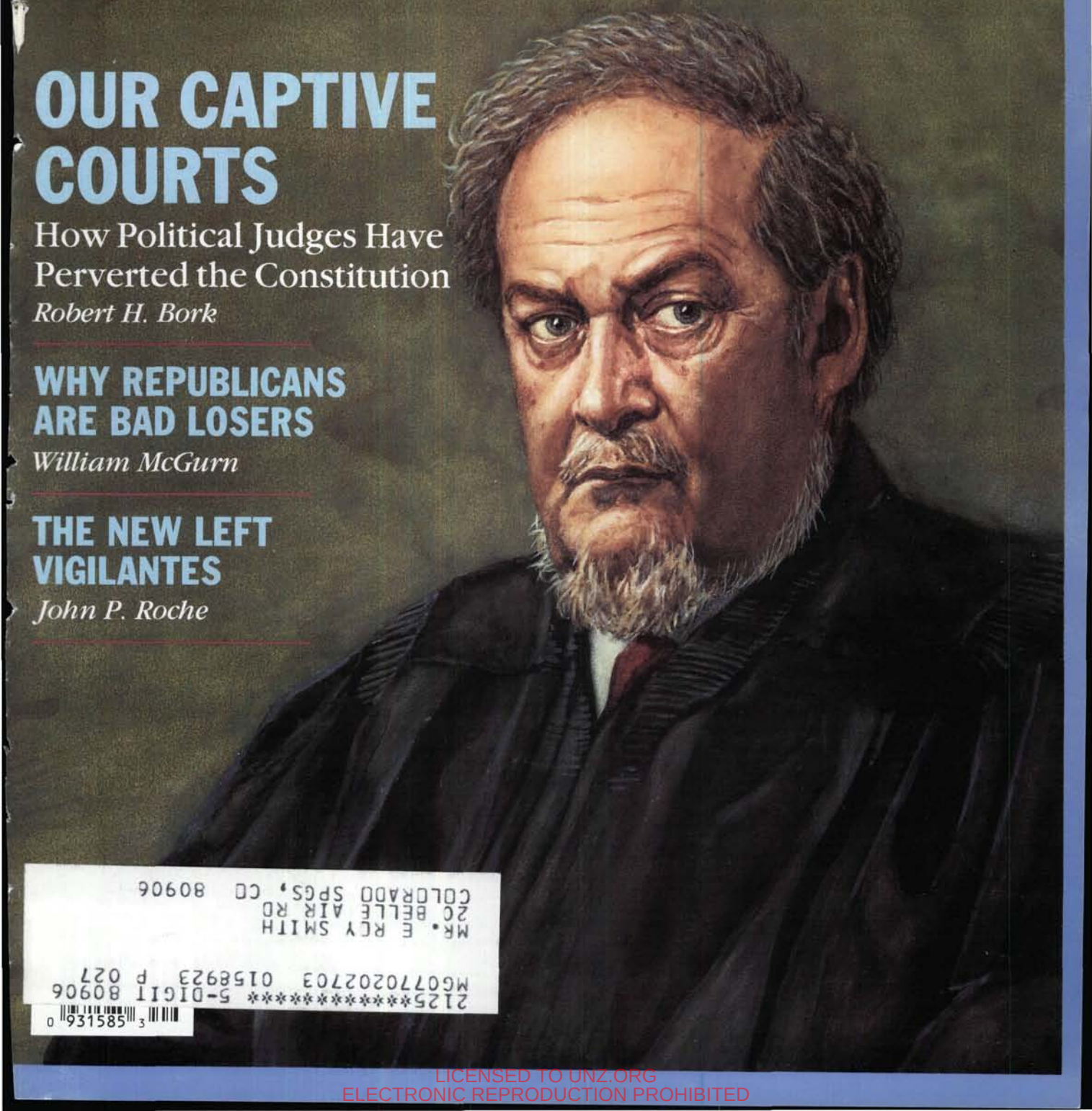

OUR CAPTIVE COURTS

How Political Judges Have Perverted the Constitution

Robert H. Bork

WHY REPUBLICANS ARE BAD LOSERS

William McGurn

THE NEW LEFT VIGILANTES

John P. Roche

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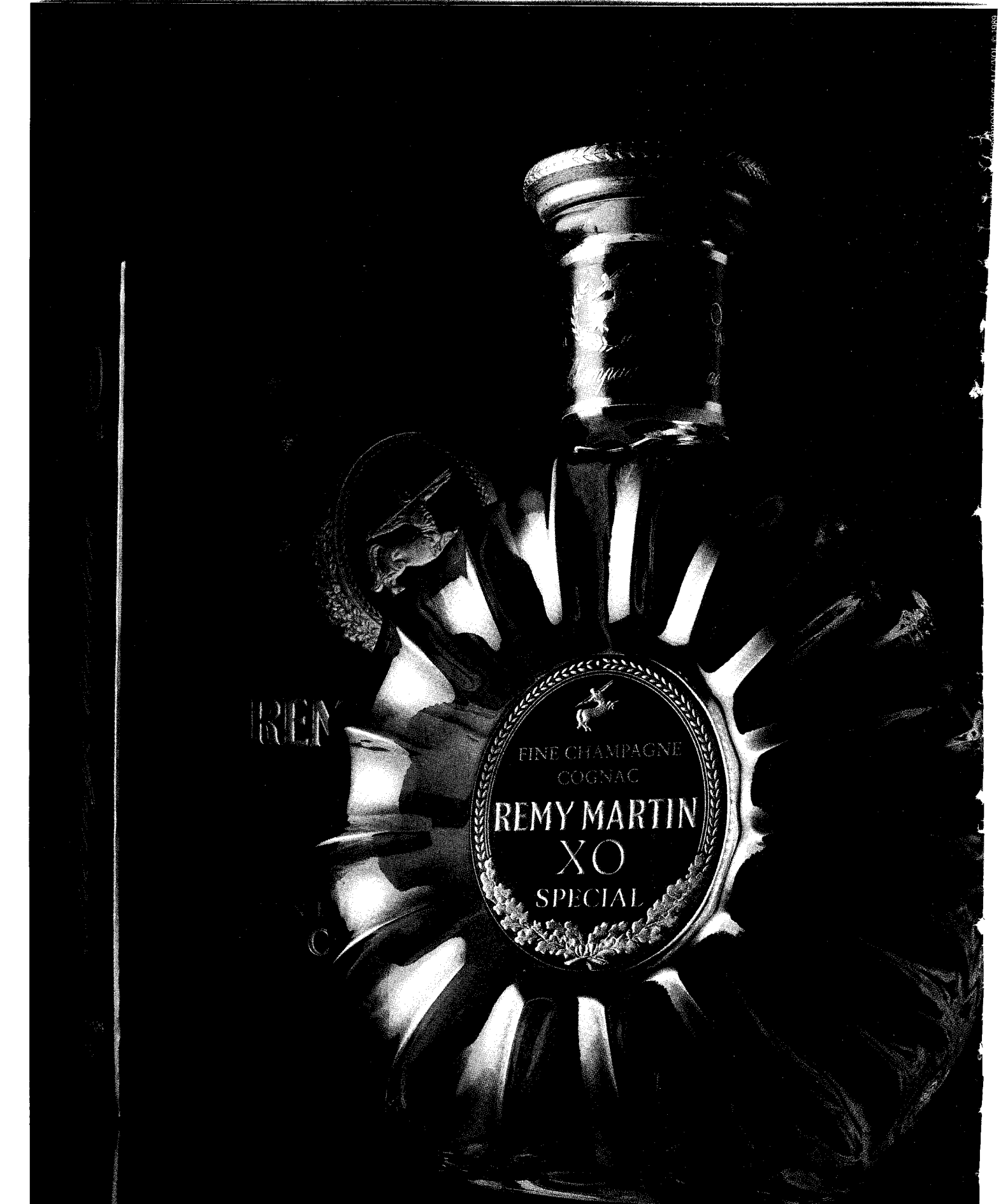

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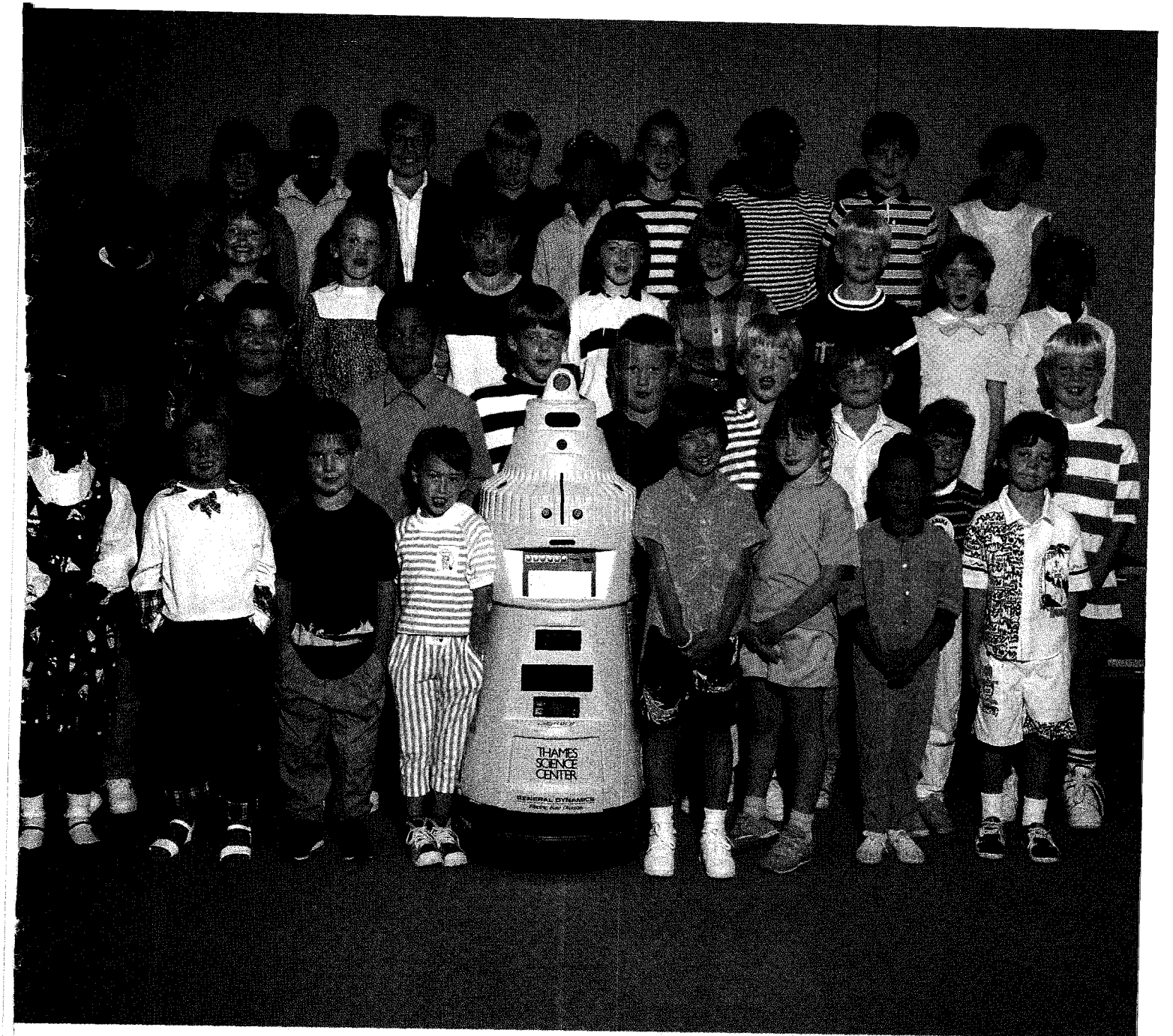

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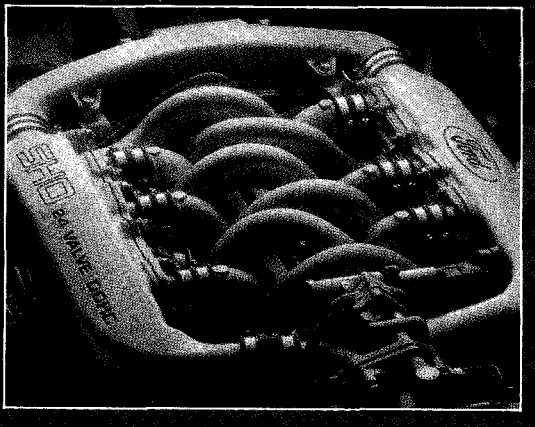

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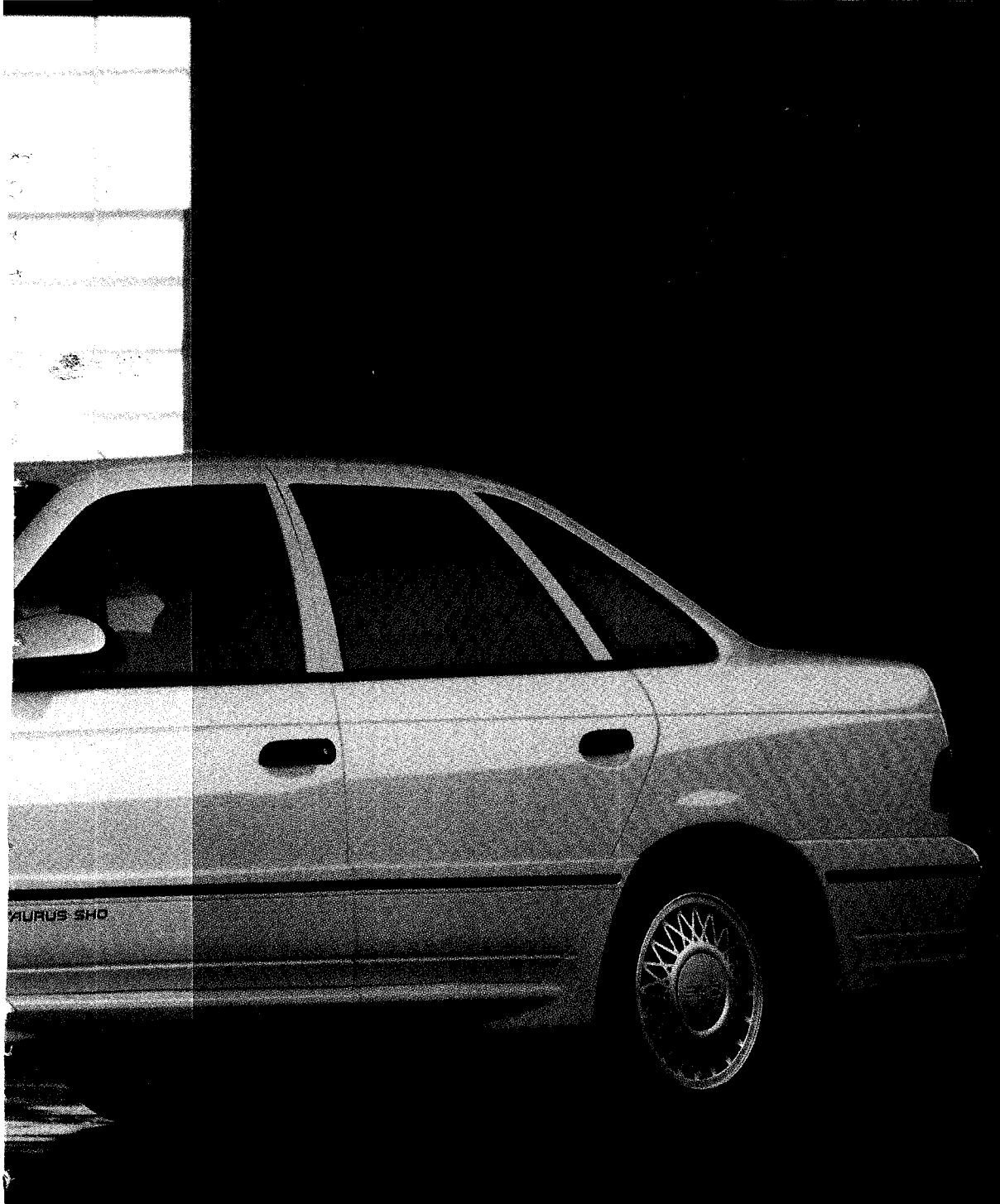

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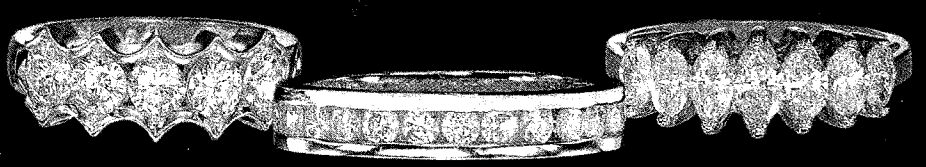

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NATIONAL REVIEW

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LETTERS

Alsop and All

I was struck by the final passage of Edwin M. Yoder Jr.'s essay about Joseph Alsop ["Remembering Joe Alsop," Nov. 10], in which he suggested that "meeting Joe Alsop, of all people, at Jesus' feet, and presumably in a posture of humility, seemed a new and incongruous thought."

Perhaps, but it served to remind me of a brief, anonymous glimpse of Alsop in 1974 when I attended a memorial service for Walter Lippmann at the National Cathedral in Washington, D.C. Having recently joined the staff of *The New Republic*, it occurred to me that someone from the magazine ought to put in an appearance (a courtesy which did not seem to impress the new ownership) and so I went and joined the congregation.

All those who sat in attendance or who addressed the assemblage—Henry Kissinger with Secret Service and Arthur M. Schlesinger Jr. with acolytes, to name just a couple—did so with little modesty and much pomp. But Joseph Alsop, accompanied by a woman I did not recognize, slipped in quietly, almost furtively, and in deference to the surroundings, fell to his knees, and prayed for several minutes. He was the only person to do so. It impressed me at the time; it intrigues me in retrospect. It might help explain the "penitential, almost evangelical" character of Joseph Alsop's own service.

Philip Terzian
Editor, Editorial Pages
Providence Journal-Bulletin
Providence, R.I.

Ed Yoder has certainly highlighted an aspect of Joe Alsop—the warm and compassionate—that wholly escaped me, but I've always suspected Ed was a far better Christian than I. However, I challenge his point on Alsop's prescient call of the Tet Offensive. Like every other journalist who was getting briefed in December 1967 and January 1968, he had been shown the massive evidence of an upcoming North Vietnamese/Vietcong "winter–spring" offensive. Unfortunately we were all too simple-minded at the time to think that they would desecrate the Tet holiday, Alsop included.

John P. Roche
Medford, Mass.

What Memo?

Your recent article, "That Memo" ["On the Scene," Nov. 10], presented an inaccurate portrayal of my involvement with the Republican National Committee's memo on House Speaker Tom Foley. Since the article's author, William McGurn, never contacted me before writing his story, I thought it appropriate that I clarify the record:

First and foremost, while I accept responsibility for the memorandum because it originated from the RNC's Communications Division, of which I was director, I did not write it—only its cover sheet. The memo, and the concept of focusing on the increasingly liberal inclination of Mr. Foley's voting record, came to me through staff channels.

Second, I never contacted Dan Casey of the American Conservative Union to gauge his views about the memo prior to its distribution. The substitution of Barney Frank for Ed Markey was apparently made before I even reviewed the document.

Third, my involvement with the memo was limited to my personal approval of it and to my securing other RNC staff sign-offs before its distribution to the field.

Having said all of that, I can only re-state that while it was never my intention to engage in the use of political or personal innuendo, I exercised faulty judgment in allowing the document to be disseminated at an inappropriate time. I deeply regret that decision and the embarrassment that it caused to all parties in this unfortunate incident.

Mark Goodin
Burke, Va.

First of all, the purpose of the article was not to assign "blame" for the Foley memo, but rather to point out that the substance of the memo was sound. Mr. Goodin's correction that the memo worked its way up through channels and

(Continues on page 51)

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Democrat of the Breakfast Table

■ Four years ago, when I was on the staff of the London *Times*, I was invited to meet a leading Hungarian Communist *apparatchik* over breakfast. I went reluctantly. My usual breakfast is lunch, and I was expecting an "I Speak Your Weight"–machine bureaucrat. But he turned out to be the democrat of the breakfast table. Discussing Hungarian politics with the easy frankness of a Western politician, he sketched the aims of his reform faction and how it hoped to outwit the hard-liners.

"What is the final result you are aiming at?" I asked.

"Oh, a multi-party democratic system in politics and a free-market system in economics," he replied.

I don't think they believed this when I reported back at the office. I didn't altogether believe it myself, finding the existence of such a free-thinking *apparatchik* more significant than his predictions. But they have come to pass. Hungary officially became a bourgeois democracy last month; it will hold free elections early next year; and there is even a possibility that the Soviet Union will permit it to leave the Warsaw Pact.

Remarkable as this transformation is, it pales alongside the events in East Germany. Long a frozen Stalinist wasteland, East Germany has experienced in a few months the dramatic exodus of thousands, an active reform movement, vast public demonstrations, the ousting of hard-line leader Erich Honecker, offers of reform by his successor, and lastly (as I write) the crumbling of the Berlin Wall.

These events have surprised even conservative anti-Communists. But they have devastated those on the Left who had always claimed that, with all their faults, the regimes of Eastern Europe still had national roots and some popular backing. As soon as even a qualified freedom of choice was allowed, the Polish Communist Party could win scarcely a single contested seat, and a Solidarity government is now pursuing free-market reforms. And the Hungarian Communists, after reconstituting themselves as a Socialist Party to save their electoral skins, have attracted only twenty thousand members, compared to their earlier seven hundred thousand. So the ratio of careerists to Communists within a relatively popular Communist Party was 34 to one.

Communism has no popular support to speak of. It is rule by a sect. Everyone else, including the jailers and the secret policemen, is a secret opponent of the regime. As Vladimir Bukovsky said when asked how many political prisoners remained in the Soviet Union: "240 million."

Light rule by a sect might be tolerated; intrusive oppression on the Communist model can only survive by its willingness to kill people without limit. Few have the perverse moral courage required for that. When a Communist regime runs out of them, it is doomed to eventual collapse or overthrow. But it may not realize the fact. Its propaganda, having deceived no one else, may yet deceive itself and its Western sympathizers. At the foot of the scaffold, it can still orchestrate applause.

Macaulay explained this with his usual savage clarity in a philippic against Southey, who favored an ecclesiastical monarchy with some of the features of totalitarianism: "Can he conceive anything more terrible than the situation of a government which rules without apprehension over a people of hypocrites, which is flattered by the press and cursed in the inner chambers, which exults in the attachment and obedience of its subjects, and knows not that those subjects are leagued against it in a freemasonry of hatred . . . ? Profound and ingenious policy! Instead of curing the disease, to remove those symptoms by which alone its nature can be known! To leave the serpent his deadly sting, and deprive him only of his warning rattle!"

And as if to confirm Macaulay's words, the news arrives of demonstrations in Bulgaria! It can't be long now, comrades.

■ It is difficult to feel anything more than a sort of weary irritation at the three people charged with burning the flag. Don't the dunderheads realize that they are merely recruiting-sergeants for the other side of the argument?

But others are not without blame. The original decision by the Supreme Court upheld the argument that the First Amendment protects all sorts of expression, from flag-burning to nude dancing. That is nonsense. What the First Amendment protects is "speech," which is a sub-class of expression. Expression includes speech, not the other way round. If you ordered steak in a restaurant and were given yogurt instead, would the Supreme Court uphold that on the grounds that they were both food? (The answer is: yes, except in a product-liability case.) President Bush's constitutional amendment was the opposite error: an elephant gun to kill a slug.

But Congress has behaved worst of all, passing a bill which it knows in advance to be unconstitutional, when there is a constitutional remedy available. Congress could have made the legislation invulnerable by invoking Article III, Section 2 of the Constitution to strip the Supreme Court of its jurisdiction in the matter. True, this provision has lain dormant since 1869. But it was never meant to be used regularly. It exists for those occasions when, as now, the judiciary threatens to overwhelm the other branches of government. Reviving it would be a timely warning.

Speaker Foley has said that he opposes flag-burning but respects the Constitution. Here was a solution satisfying both those impulses. Curious that it never occurred to him.

■ Several readers, their interest having been piqued by my citing of Conquest's Second Law in a recent column, have asked for information on Conquest's First Law. Here goes: *Everyone is a reactionary on the subject he is expert about.* So far, so good. But Bob Conquest warns me that it does not mean that everyone is an expert on the subject he is reactionary about. Sorry. —JOHN O'SULLIVAN

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ON THE RECORD

■ Election post-mortem: **Jesse Jackson** could be big loser in 1989 off-year elections, in which two black candidates, **David Dinkins** and **Douglas Wilder Jr.**, became, respectively, first black mayor of New York City and first elected black governor of any U.S. state. Both campaigned as centrists; **Evans & Novak** say efforts by Wilder's opponent, **Marshall Coleman**, to tab him a "liberal activist lacked credibility." So: Is Jesse Jackson's inflammatory, race-oriented rhetoric going out of fashion? Will next generation of successful black politicians be moderates on the **Tom Bradley**, Wilder, and Dinkins model? . . . Jackson has other worries. In a number of states, notably Vermont and Maine, leaders of Rainbow Coalition are rejecting his leadership, demanding a free hand to build progressive forces outside Democratic Party. The live-wire in restive Maine Rainbow Coalition is **John Case**, who is also Maine, New Hampshire, and Vermont district organizer for U.S. Communist Party. . . . Jackson could, however, still run for mayor of Washington, D.C. Most recent poll shows him leading corruption-prone Mayor **Marion Barry** 65 to 18 per cent among Democrats. . . . **Rudolph Giuliani**'s performance in final days of N.Y. mayoral campaign—he narrowed Dinkins's two-digit lead to two percentage points—lends interest to possible challenge to Republican Sen. **Al D'Amato** next year. . . . Despite his failure to put Giuliani over the top, GOP campaign consultant **Roger Ailes** has been engaged to zip up staggering campaign by Rep. **Lynn Martin** (Ill.) to replace **Paul Simon** in Senate. . . . In numbers of city and state referenda, voters showed themselves to be cost-conscious. Spending initiatives were turned down in San Francisco, St. Louis, Orange County (Calif.), and Texas. Comments **Patrick McGuigan**, of the Washington newsletter *Initiative and Referendum Report*: "The electorate looks pretty conservative fiscally." . . . But Republican hope—with reapportionment looming following 1990 census—of capturing more state legislatures foundered. Post Nov. 7, Democrats are in control of both legislative houses in 28 states, Republicans in only eight. The others (apart from Nebraska, which has only one chamber) are split. . . . Pro-abortion forces undoubtedly contributed to GOP defeats in both New Jersey and Virginia. Meanwhile, Media Monitor, which examined 33 news stories in first nine months of 1989 (*New York Times*, *Washington Post*, CBS, NBC, ABC), found stories reported by women were 2 to 1 pro-choice, stories reported by men 50–50 pro-choice and pro-life. But organizations most quoted on the issue were overwhelmingly pro-choice: NOW (National Organization for Women) 75 times, NARAL (National Abortion Rights Action League) 72 times, Planned Parenthood 40 times, for 187 total pro-choice; National Right to Life, 65 times.

■ Bad news for **Daniel Ortega**. A poll partially sponsored by Sandinistas *El Nuevo Diario* found opposition leader **Violetta Chamorro** leading Ortega 36 to 32 per cent among registered voters, with 32 per cent undecided, for February 25 election. Poll the following week, partially sponsored by Mrs. Chamorro's *La Prensa*, but also by *Miami Herald* and *La Nación* (Costa Rica), showed she had widened lead to impressive 44 to 18 per cent. But recent State Department cable questions Sandinista voter-registration procedures. Government obstructionism, it says, "is depriving tens of thousands of potential voters" from casting their ballots. . . . **Carlos Denton** of **Gallup** organization in Costa Rica, which conducted earlier poll, found that "hundreds of Miskito Indians" were denied access to registration booths and said opposition poll watchers were hindered in monitoring registration procedures. . . . Amnesty International has accused Sandinistas of killing unarmed peasants in recent unprovoked operations against Contras. . . . Meanwhile, Secretary of State **James Baker** has accused Ortega & Co. of continuing arms shipments to the rebel FMLN forces in El Salvador. *Human Events* quotes Baker: "We know from discussions with the driver [of a truck stopped on the Honduran border ten days or so ago, that the East-bloc arms he carried] had come from Nicaragua and were going to the FMLN." Baker stopped short of blaming USSR for shipping arms to Nicaragua in the first place. . . . Communist *People's Daily World* was outraged that 21 Senate Democrats, including Majority Leader **George Mitchell** and Foreign Relations Committee Chairman **Claiborne Pell**, voted for continued "humanitarian aid" to Contras. Among the 21 was freshman Connecticut Sen. **Joseph Lieberman**. His Connecticut colleague, **Christopher Dodd**, voted against aid package. . . . On the down-with-Amerika circuit, a big draw these days is "Cocktails with **Philip Agee**," the renegade CIA agent whose newest lecture is on Nicaragua.

Matt, (London) *Daily Telegraph* / Rothco

■ Two views: For **Gus Hall**, hard-line leader of CPUSA, the 72nd anniversary of the Glorious October Revolution was the occasion to salute the Kremlin on having lit and carried "a beacon of liberty" for the world for so many years. To a Muscovite who has lived through a number of those years, it was the occasion to loft a banner reading: "Workers of the World, Forgive Us."

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THE WEEK

■ By a vote of 337 to 54, the Soviet legislature has rejected a virtual sin tax on such items as beer and cigarettes. Nice system they've got over there. We have seen the future, and it works.

■ "If I had been President for four more years, we wouldn't have had a resurgence of racism and selfishness," said former President Jimmy Carter in an address at Georgetown University. In his 1980 campaign, Carter predicted that the election of Reagan would set North against South, black against white, and Jew against Gentile; that it would lead to class war and maybe the destruction of the world. The headlines today seem to say something different, and Carter is a real class act. We could joke about it, but why bother. The twentieth century's Benjamin Harrison says it all every time he opens his mouth.

■ Saying "I am not disgraced," disgraced ex-judge Alcee Hastings celebrated his impeachment for judicial corruption by throwing a party and announcing his candidacy for the Florida governorship. Another political star is born. . . . Hastings launched his campaign as follows: "Floridians are tired of ordinariness, and if there's nothing else I bring to an experience, it is not ordinariness." Sorry, it is impossible to translate that into English, but we'll guess he is saying either that life in Florida is about to become bizarre or that he will install a cash register in the governor's office, or both.

■ HOW TO CLEAN UP IN WASHINGTON, D.C.: The Environmental Protection Agency has spent 60 per cent of its $4.4-billion Superfund on itself. Only 40 per cent went for environmental clean-up, the purpose of the Superfund, and of that much was spent on "hypothetical risks which may not materialize." The EPA has managed to clean up a total of 36 out of 1,200 priority clean-up sites, which works out to $122 million per site, or, assuming an average size of five acres, $561 per square foot. The agency is scheduled to spend $500 billion more in the next fifty years.

■ Another AIDS art flap has caused the National Endowment for the Arts to pull its funding from a New York gallery. The dispute centers on an essay in the catalogue for an exhibit titled "Witness: Against Our Vanishing." The essay attacks a number of politicians and clergymen whose position on AIDS is deemed Insufficiently Progressive. The NEA deemed this, in turn, too "political" under Congress's new guidelines, and decided to withhold its scheduled $10,000 of our tax money, which will now presumably be spent on something equally unconstitutional but less likely to frighten the horses.

■ Until recently, the campaign to redefine the family along lines acceptable to gay activists had been waged successfully in the courts and, behind the scenes, in city-government offices. Last summer, for example, the New York State Court of Appeals ruled that, for the purpose of inheriting rent-controlled apartments, homosexual "domestic partnerships" should count no less than straight ones. Shortly afterward, Mayor Koch issued an executive order allowing gay city employees to register their lovers to collect health benefits as if they were actually married. In San Francisco, meanwhile, the ten-member Board of Supervisors passed an ordinance stopping just short of recognizing full civil marriage for homosexuals. Inconveniently, though, after a group of Catholic and conservative Protestant clergymen protested, the city agreed to put the ordinance before the people. In last Tuesday's voting the ordinance was defeated. Back to the courts, boys: if the voters won't buy gay marriage in San Francisco, they won't buy it anywhere.

■ At one level, Richard Nixon's semi-official trip to China can be seen as an exercise in all-around investment protection. Washington, in encouraging him to go (as, sub rosa, it must have done), was seeking to protect whatever it could of the friendlier relations it has cultivated with Peking over the last 15 years. Nixon, in going, was protecting his status as Top China Hand. Peking, in welcoming him, was protecting its relationship with a valued advocate and intermediary. Since talking to Peking long ago ceased to be a moral question (beginning with

Dick Adair, *Honolulu Advisor* / Rotheo

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Nixon's first trip there, in fact), better to talk than not. Better still that the child-devouring Saturns of Peking hear the tough, unsparing counsel that their longtime friend gave them.

■ Marxist guerrillas in El Salvador made an all-out push last week—and failed, though the fighting isn't over as we go to press. The FMLN gambled on a set of all-or-nothing assaults, including attacks on both the residences of President Alfredo Cristiani. Like the Vietcong in the Tet Offensive, the FMLN seems to have been lured out into the open by hopes for the popular support promised by the Marxist–Leninist model. And like the VC, it is in fact rejected by the people it's claiming to be fighting for. Luckily for the people of El Salvador, there is no adjacent Communist power to conquer the country anyway, as happened in Vietnam once the U.S. left. On the other hand, unless the Bush Administration gets serious about Nicaragua, a new group of rebels will in time be supplied.

■ "The big loser in this election is going to be terrorism," said Mario Vargas Llosa, the leading candidate for next year's presidential election in Peru. Vargas Llosa's center-right party, the Democratic Front, last week won mayoral races in most major Peruvian cities. The voter turnout was large and the people enthusiastic despite vigorous threats by the Maoist Shining Path guerrillas to cut off ink-stained fingers (the ink signifying one has voted) and to shoot up polling places. Shining Path carried out a sustained effort to disrupt the election, and for a while, with major candidates dropping out of races, it seemed to be working. A few days before the election the guerrillas had ordered reprisals against anyone who dared go to work. But, in Lima, candidate (now mayor) Ricardo Belmont led some thirty thousand people through the streets, shouting, "Say yes to democracy," and the people did: polling places were mobbed with voters. But the story is not over: while Shining Path may indeed be the loser in this election which it failed to disrupt, its guns and money have ways of saying no to democracy that are difficult to silence.

■ In a major pastoral letter, the eminent theologian Mr. Ted Turner declares that the Ten Commandments are "too old" and should be replaced by "Ten Voluntary Initiatives" concerning such with-it matters as arms control, environmentalism, and population control. Ranging somewhat further afield, Mr. Turner also bemoans the widespread teaching that the world will end with a bang, not a whimper, and is considering offering a $500,000 prize to whoever can write a happy way for the world to end—a task that surely is no more difficult than trying to think of a happy ending for Ted Turner.

■ Right minds and youthful irreverence toward the liberal academic establishment have planted the seeds for the *Duke Review*. The right-minded irreverents in this case are students John Lutz (publisher) and Stanley Ridgley (editor-in-chief), who hope to offer a counterweight to the forces currently shaping student opinion on the Duke campus—"radicals, anti-CIA protestors, flag burners, Sandinista backers, Marxists, deconstructionists . . ."—the usual suspects. The *Review* values such besieged ideas as free enterprise, individual liberty, and traditional moral values. The newspaper's staff is financing the undertaking privately through donations and advertising. For information write: *Duke Review*, P. O. Box 4837, Duke Station, Durham, N.C. 27706.

■ Meanwhile, at the University of Pennsylvania, the Student Activities Council has used a loophole in its registration procedures to deny recognition to *The Red and Blue*, a conservative publication that has been recognized by the SAC for the past six years. *The Red and Blue* ran afoul of the SAC by printing an editorial critical of the Institute for Contemporary Art and university president Sheldon Hackney for their attacks on Congress over the Helms proposals regarding federal funding of obscene or indecent art. The council also accused *The Red and Blue* of violating the campus Harassment Policy, by failing to "respect the personal integrity of others," and by creating "an intimidating and offensive academic, living, and work environment"—i.e., the paper ran an editorial concluding that funding for the Lesbian, Gay, and Bisexual Alliance was one of the "Four Biggest Wastes of Money at Penn."

■ Tip O'Neill is said to have been paid a million bucks for all those TV commercials he's been doing. Proving he was right all along: Ronald Reagan really *did* unleash the forces of greed.

■ According to a public-interest-group report, children are getting far too much fat in the school lunch program, thanks to butter, cheese, eggs, beef, and pork supplied by the Agriculture Department. File under "pork."

At the Nautical Summit

If Mr. Bush plays Santa Claus
For Mr. Gorbachev, applause
Will be restrained should Mr. G.
Still send Managua dough-re-mi.

W. H. VON DREELE

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■ Out on the frontiers of jurisprudence, a plaintiff agreed to drop a damage suit if she, her mother, her attorney, and his law partner could each take a punch at the defense attorney. The rules of the engagement are still being worked out, but they so far prohibit blunt objects, a running start, blows below the belt, and assigning fisticuff rights to others.

■ Representative Frank and Mr. Gobie, his former bimboy, according to one and denied by the other, not necessarily in that order, lent new meaning to the term "act of Congress," and in the exclusive House gym too, allegedly while leaning against Mr. Bush's locker.

■ Mr. Gobie said he had misgivings about it until Representative Frank assured him, "This kind of stuff goes on all the time." True enough, but the act is usually reserved for taxpayers.

The Freedom They Need

THIS MONTH'S European marvel—every month now brings a new one—comes from East Germany. One day, the bulk of the Politburo is let go. The next, the borders part and there is dancing on the Berlin Wall. The best comment on all of this came, via Reuters, from an East German border guard: "It's not good. We will lose our jobs." The Wall remains in place, though it means about as much now as Hadrian's. Egon Krenz and his new colleagues move on to their next challenges, and their next concessions.

One subject that could bear some pondering, as the quake rocks on, is the future shape of this and all the other shifting regimes of Eastern Europe. Not whether they will exist in a multipolar world, or in or out of the Warsaw Pact—but the precise character of their governments. Eastern Europe is getting an unparalleled dose of political freedom, and political freedom is important. But it isn't enough.

There are many politically free nations in the world. Some are well run. Some aren't. Margaret Thatcher's England is free. So was James Callaghan's. So is Sweden. So is India. Political freedom and freedom of expression are important social aspects of the good life. But they are not the only ones, nor even the most important. The daily decisions of the marketplace represent a freedom in action that affects most people far more directly than the possibility of voting or writing Op-Ed pieces. The net effect of all those decisions represents the strongest force known to man for prosperity and social peace.

The East German Central Committee announced that it would aim for a "socialist planned economy with market mechanisms"—the kind of bromide that pleases everyone from Jesse Jackson to John Paul II. [See also "How to Dismantle Communism," p. 29.] It is impossible to predict what it will mean in practice, yet what it means in practice will make all the difference. It wouldn't do West Germany, or the world, any good if Bonn's economy ended up tied, down the road, to that of a socialist Siamese twin.

It's not just Germany's problem. Helmut Kohl has offered Poland and Hungary generous assistance. George Bush is being lectured for failing to propose more of the same for Gorbachev ("passivity" is the bogey-word commonly used to stigmatize his alleged inaction). Western Europe, headed for 1992 and economic integration, may well be asked to accept applications for admission from beyond the Elbe.

Any assistance that can be prudently given to encourage free development should be offered. Half a continent has suffered long enough. The last thing we need, however, is a replication in Europe of what well-intentioned Westerners have wrought in much of the Third World. The hopes being raised in so many ancient, battered cities are too bright, too beautiful, to be frittered away.

Republicans to the Rescue

"WE CAN'T let everything come to a screeching halt because of that one impasse." Thus spake House very-much-a-Minority Leader Robert Michel, explaining his and Robert Dole's decision to let the one bright legislative success of the Bush Administration so far, the offensive on the capital-gains tax, shrivel as if it were a proposal of the East German Politburo.

Cutting the capital-gains tax was the one new idea of the Bush campaign. A month and a half ago, 64 House Democrats broke party ranks to support a temporary capital-gains cut. Victory seemed assured. Then Senate Republicans agreed to detach the measure from the budget-reconciliation bill. Treasury Secretary Nicholas Brady refused to tie it to the debt limit. Just as suddenly, the measure was finished for 1989.

Everything would have come to a screeching halt, of course, while the Senate fought the question out. But that is just the sort of threat you *want* to be holding over your enemies' heads. Bob Michel, who hardly seems to know there are enemies in the world, has never learned this elementary lesson.

As for Bob Dole, his motivation is widely held to be to save capital gains for inclusion in a "deal of the century" in 1990. What the Democrats will get out of it, of course, is higher taxes. And what is

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Dole's motivation for such a deal, apart from a career-long inclination to raise Republican taxes to pay for Democratic programs? No one in Washington knows. On the other hand, Coleridge did warn us of "motiveless malignity."

Zero Inflation

FEDERAL RESERVE Chairman Alan Greenspan created a stir by announcing a goal of zero inflation within the next five years. Why should that be so controversial? Why should it be any more difficult to get inflation down from around 3 or 4 per cent to zero than it was to get inflation down from over 10 per cent to 4 per cent? Indeed, the central banks of Japan and West Germany have held inflation below 2 per cent for years, with many benefits and few sacrifices. The U.S. likewise held inflation below 2 per cent nearly every year from 1952 to 1967, albeit with the help of a (mismanaged) gold standard.

The Fed has already defied most mainstream economists by bringing inflation down more promptly than they thought possible. There are risks involved. Tight money might push prices down faster than costs, squeezing profit margins and resulting in plant shutdowns. The perception that the Fed really won't tolerate inflation also makes housing less attractive as a hedge against inflation, helping to depress housing prices in some areas.

But there are also very real benefits from maintaining a reasonably firm downward pressure on inflation. Long-term interest rates have declined, for example, and personal income and wealth are now rising faster than inflation. So far, the "Fed funds" interest rate on bank reserves has been allowed to drift gradually down from nearly 10 per cent earlier this year to about 8.5 per cent, as inflation moderated. The Fed is now under considerable pressure to push interest rates down much more rapidly, by giving the banks more reserves in exchange for Treasury bills. This is said to be necessary to avert an elusive recession, which has often been forecast but not yet seen. In this view, the Fed's job is to fine-tune the *real* economy or the trade balance, which it cannot do, rather than to provide money the world can trust, which perhaps it can.

The risks of a weak economy have indeed increased, ever since Senate Republicans threw in the towel on capital gains. Loss of that expected tax cut has much the same impact as an unexpected tax increase—it reduces after-tax wealth and incentives. But it is not feasible to offset the damage of a tax policy that discourages *supply* by substituting a monetary policy that encourages borrowing and spending. Why use rapid credit creation to entice people to offer more money for goods that workers and investors have less incentive to produce? That is simply a recipe for stagflation. So long as the dollar is reasonably stable, commodity prices are not collapsing, and long-term interest rates are inching down, the Fed just might be bringing us toward Mr. Greenspan's zero-inflation goal more quickly and easily than anyone now imagines.

I'll Cry Tomorrow

Senator Cranston and Senator Glenn,
Two of the Senate's most sacrosanct men,
Took from a banker whose belly-up thrift
Thrived on support from this generous gift;
Now, like the Bakkers, both Tammy and Jim,
Cranston and Glenn are heard humming a hymn.

W. H. VON DREELE

Fetal Attraction

IT SEEMS a shame to let such good human material go to waste. That, in sum, is the argument for using fetal tissue in medical and other experiments. When it comes to brain implants or testing cosmetics for toxicity, there is no dispute about the humanness of the fetus. Now, once again, the Secretary of Health and Human Services is under pressure from Congress and the media to accept a recommendation by a National Institutes of Health panel that would let researchers put dead fetuses to good use. "No other tissue is so medically attractive," one scientist ghoulishly observes, "and there is so much of it." Then too, since the fetuses are dead and abandoned by their nearest living relatives, there are no legal complications. It is even argued that, by helping others, the life that the fetus was not permitted to live can somehow be redeemed. He or she will not have been killed in vain.

The idea that dead bodies are nothing more than material to be exploited runs counter to convictions entrenched in our culture. That is why body snatching is deemed a heinous crime, why we do not allow an open market in human spare parts, and why hospitals are prevented from running body shops stocked with convenient cadavers. Although voluntary organ donations are allowed, it has been generally thought that the body participates in the dignity of the person and therefore demands our respect.

But, it is objected, such restraints have to do with the bodies of those whom we all agree were human

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beings. Precisely. The very objection demonstrates why it is impossible to separate the question of using dead fetuses from the question of abortion. Deny it though some do, researchers who have succumbed to the fetal attraction have already, at least implicitly, made a decision about what the unborn are not.

The minority report of the NIH panel on fetal transplants recognized what is at stake. Noting that the majority claimed it was saying nothing about the rights or wrongs of abortion, the minority observed that "even by acquiescent silence after the fact we can sign on as parties to a deed already done." The report concludes: "What we are considering here is no mere *post-mortem* silence, no simple averting of the gaze after the fact. We are considering an institutional partnership, federally sponsored and financed, whereby the bodily remains of abortion victims become a regularly supplied medical commodity." Against the declared policy of this Administration, the majority recommendation of the NIH panel would put the Federal Government foursquare into the abortion business.

Some dismiss the concern about the use of fetal tissue as no more than an instance of moral squeamishness getting in the way of medical progress. That is a serious mistake. The concern is inseparable from the effort to secure legal protection for the unborn. How or if that is to be done, the Supreme Court now appears to be saying, is for the American people and their representatives to decide. That decision must not be pre-empted by the Department of Health and Human Services.

—R. J. NEUHAUS

In Wolfe's Clothing

IN THE CURRENT issue of *Harper's* Tom Wolfe delivers a manifesto on the need for a new social novel. In fact, it is the most recent installment of his running manifesto against modernism in all its manifestations—paintings, buildings, sculpture. As with all Wolfean polemics, it's a good read. Since it deals with a form which he has (successfully) attempted, it comes with extra authority.

Wolfe wants a revival of the panoramic social novel of the nineteenth century. *Vanity Fair* sprung naturally to his mind as a model, but Wolfe explains that he found Thackeray's upper-middle- and upper-class milieu too limiting. The richness of modern American life can only be comprehended by scanning the whole social scale.

As in *The Painted Word* and *From Bauhaus to Our House*, many of Wolfe's judgments are frankly absurd. "No one was ever moved to tears by reading about the unhappy fates of heroes and heroines in Homer, Sophocles . . . or Shakespeare." Nonsense. The episode of the coal-pit workhouse in Zola's *Germinal* is not "one of the supreme moments in French literature" (nor is any other episode in Zola).

But if these are the tales he has to tell himself in order to do what he does, more power to him. The social novel is not the only great literary form. But it is one. He has given it a good shot of juice. The double-breasted cynic continues to be worth watching, and reading.

Dolores Ibarruri, R I P

THIS WAS a particularly fitting historical moment for Dolores Ibarruri to pass from the midst of the living at age 93. It may well have been she who provided the spark that ignited the Spanish Civil War in July 1936, although the large forces leading toward that conflict had been long in motion. As Finance Minister Calvo Sotelo addressed the Cortes, Comrade Ibarruri screamed, "This is your last speech." Almost immediately Calvo Sotelo was kidnapped and murdered by Communist gunmen.

Dolores Ibarruri was a founder of the Spanish Communist Party. During the war, under the nickname "La Pasionaria," or Passion Flower, she urged the cause over the radio in volcanic oratory. "*No pasarán*"—they shall not pass—was her slogan, adapted from the French slogan of World War I.

But pass they did, past the Ebro and into Catalonia, and the war was lost. La Pasionaria fled to Russia and spent 38 years in exile there, always a loyal Stalinist. Indeed, as late as 1983 she thought Stalin the greatest Communist she had known.

Allowed back into Spain after Franco died, she won election from her old province to a seat in the Cortes, a relic from the distant past in a Spain that had become a modern country. To those who today admire "commitment" over the content of that commitment, she has heroic stature. On the evidence, she had a violent and murderous mind.

Her body was displayed at Communist Party headquarters in Madrid. She beat Communism itself into the grave by not more than a whisker.

Vladimir Horowitz, R I P

ON NOVEMBER 5, the age of grand romantic pianism ended in New York City with the death of Vladimir Horowitz at age 86. Born in czarist Russia, he was called the "electric lightning pianist" in 1922, when he began his spectacular career in his native land. By 1925 he'd had enough

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of the Soviets and escaped to Berlin with $5,000 in various currencies hidden in his shoes, plus a passport forged by his brother, Georg, making him one year younger than his real age—therefore too young for military conscription. At the border, a guard, recognizing him, stared long and hard at the passport, finally returning it to Horowitz with the quiet comment: "Go . . . but don't forget your Mother Russia."

From his first concerts to his last public performances in the spring of 1987, he was a whirlwind virtuoso, thrilling audiences with what one critic described as "controlled thunder." But these artistic explosions took their toll: Horowitz quit playing in public four times, the longest period being the 12 years from 1953 to 1965. In late 1961 he partially eased out of retirement, negotiating a contract with the late Goddard Lieberson and myself to record for Columbia Records. His first release for the company was a sensation, leading to renewed speculation that he might return to the stage.

One night, over dinner, we discussed this possibility, and I told him if he decided to go ahead I was the best concert valet in the world and would be happy to help him through his first performance. He looked at me carefully and smiled.

Some three years later he reminded me of my offer, saying he'd decided to play at Carnegie Hall at 3:30 P.M. on Sunday, May 9, 1965. The public announcement of this concert was on the front page of the *New York Times*; the house sold out two hours after the tickets went on sale. Hundreds lined up the evening before the concert, in a driving rainstorm, waiting to buy standing room.

By 3:00 P.M. on May 9 everyone who could squeeze into the hall was there, either seated or standing. But I began to get alarmed when, at 3:15, he had not arrived.

At 3:30 he was still not there. My knees began to buckle with the apprehension that I might have to go on stage and announce his cancellation. Just as I was contemplating the unthinkable, his limousine pulled up to the stage door. "The traffic! The traffic!" he said, as I helped him out of the car.

Upstairs, in the artist's room, he adjusted his new cutaway and straightened his tie. I reminded him the audience had been in place for almost forty minutes. "Perhaps we should start, then," he replied.

When the houselights were dimmed and the stage lit, Horowitz looked at me without moving. I suddenly realized I had to do something and, putting my hands on his shoulders, turned him 180 degrees and gently pushed him onto the stage.

The roar of the audience was instantaneous, sending a physical wave backstage. Horowitz stood quite still, tears rolling down his cheeks. Suddenly, as if on cue, he straightened his shoulders and walked downstage to greet his public. Finally, gesturing toward the piano, he sat down to play. He raised his hands to begin his "good luck" piece, the Bach–Busoni transcription of the Organ Toccata in C major, and brought them down on a cluster of wrong notes. The chords crashed; the dissonances, like fingernails on the blackboard, assaulted the ear. But in seconds, he was back in control.

Later, when listening to the tapes of the concert, the record producer suggested he replay the opening phrases.

"Nonsense," he said. "I was nervous. Let people hear me as I really was."

People always heard him as he really was, a performing genius who never lost his love of music or his excitement at sharing that love with others. And, in 1986, he did return to Mother Russia, to the cheers and tears of his former countrymen.

Rest in peace, Volodya. You'll always bring joy to our lives and balm to our souls. —S. CHAPIN

NOTES & ASIDES

■ Dear Mr. Buckley:

In "Notes & Asides" [July 14], Don C. Lynch quotes a delightful phrase that his manifestly delightful mother had recently spoken, viz: "*Populus iamdudum defutatus est.*" She may have gotten it from NATIONAL REVIEW, but I doubt you would have let it slip by with the imprecision it contains (or else you were out sailing when the copy went to bed). I made a thorough check and could find no lexicographic record of "defutatus." Mrs. Lynch is not far off the mark, however, for there are three possibilities: a) *defututus*, an adjective that denotes being enfeebled or worn out; b) *confutatus est*, the perfect passive tense of *confuto*, a verb that denotes being checked or repressed; and c) *defrutatus est*, perfect passive tense of *defruto*, which denotes being boiled down like wine. All are apt.

If any of my Latin colleagues among your readers can improve on my scholarship, I'd welcome his (*pace feministarum*) findings. (Please include references, so I can compare them with mine.)

Cura ut valeas!
C. Robertus Paolucci
Robert Paolucci Translations
(Italian, Spanish, Portuguese,
French, German, Dutch, Latin)
New York, N.Y.

■ Dear Mr. Buckley:

In the August 4 "Notes & Asides," a column by journalist Henry Evans is reprinted scolding you for using words "no one but [yourself] knows the meaning of and . . . sending [your] readers to the dictionary." He complains that he had to go to the

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dictionary six times within forty pages, then roundly condemns you as a "lexicographical snob." Mr. Evans seems to be the sort of columnist who keeps his dictionary—indeed, all hard-bound books—out of arm's reach and his one point of view always at his fingertips.

I can readily imagine the smile turned to despair on Mr. Evans's face were he ever to encounter (in *Dear Bertrand Russell . . .*, 1969) Bertrand Russell's "twenty favorite words": wind, alabaster, incarnadine, heath, chrysoprase, sublunary, golden, astrolab, chorasmean, begrime, apocalyptic, alembic, pilgrim, ineluctable, fulminate, quagmire, terraqueous, ecstasy, diapason, inspissated.

And I have found in a collection of brief book reviews (*Urgent Copy*, 1969) by the novelist Anthony Burgess, in rather less than forty pages, these wonderful literary chord progressions: collocation, demotic, antinomies, polymathy, diaspora, oponym, rarefaction, gamboge, variorum (which Bernard Shaw would have said no Englishman can pronounce), etiolations, fictile, numen, neologism, repine (E. Waugh's favorite), gulosity, carious, tragoid, tabascoid, statify, anabasis, exophthalmic, "fiery laconicism" (Keats), sempiternal bandersnatch, palindromic, tumid, interstices, and panjandrum.

Mr. Evans's column caught me at high tide and high surf astride J. I. M. Stewart's *Eight Modern Writers* (Oxford University Press, 1963), where barely through the third author, in about two hundred pages, one hears distinctly Oxford harmonies, many requiring looking up for pronunciation: subfusc, nescience, divagation, finically, thaumaturge, hortatory, recusant, conflation, viscidity, sanative, esemplatic power, prosopopoeia, facture, concatenate, deliquesces, plangently, desuetude, homothetic, mythopoeic, chthonic, . . . and proem! This from a teacher.

But there is a darker side to the Evans *v.* Buckley encounter. It is expressed nicely by the American author David Leavitt in his novel, *The Lost Language of Cranes* (1986), where he writes a fine paragraph on a copy editor's addiction to crossword puzzles, "the meshing of meanings, the knitting of one set of words into another," and their creators ("the vultures of the thinking world"). Leavitt concludes (with a howler, but no matter): "And Rose was learning that such carrion was better than alcohol. This benign activity literally tied up the brain; it blocked grief, anxiety, panic. In a burst of bitter energy, Rose thrust Thomas Mann and Timon of Athens into the fray. She fired out synonyms like bullets. But in the end, her head ached horribly . . ."

Yours,
Thomas Goldthwaite
Hilo, Hawaii

■ Dear Mr. Buckley:

Several times lately, while watching *Firing Line* on our local PBS TV station (Channel 6), the power suddenly goes off and then when the liberals come on a MIRACLE HAPPENS and power is restored again.

Most recently, the interview with Cap Weinberger about disarmament: interrupted after about five minutes. I was wondering whether the funding for the programs that they pull the plug on was returned to the sponsor.

They say they won't re-run the show.

Yours,
Isel F. Ruppel
Denver, Colo.

Dear Mr. Ruppel: Interesting question. But I'm afraid that it is for such contingencies that the phrase "act of God" was coined. Cordially, **—WFB**

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Losing Well Is the Best Revenge

WILLIAM McGURN

WHEN Grantland Rice wrote that it's not whether you win or lose that counts but how you play the game, it was more than half a century ago and he was talking about football. But the same words could as appropriately be written today about the beating the Republicans took on November 7. Republicans had long made it clear that they didn't know how to win. What they proved Election Tuesday was that they don't know how to lose.

By "losing" I don't mean getting fewer votes. Republican contenders Rudolph Giuliani, Marshall Coleman, and James Courter acquitted themselves admirably on that score, losing to Democratic opponents respectively in the New York mayoral, the Virginia gubernatorial, and the New Jersey gubernatorial races. But that wasn't the real loss. The real loss is that despite all the time and effort—and in two cases coming pretty close to victory—none of these Republicans left the public with a clear impression that their party represents a forceful alternative for the future

"Sometimes you can win even if you lose," says Alan Baron, the editor of *The Baron Report*. "Ronald Reagan lost to Gerald Ford, but he clearly built up a constituency that would be with him next time around. In these races the Republican candidates did not build up any loyalty to the Republican Party."

Ronald Reagan isn't the only one who knew how to win through losing. Lyndon Johnson trounced Barry Goldwater in 1964, but the race allowed Goldwater conservatives to take over the Republican Party, eventually paving the way for Ronald Reagan. Reagan himself took two shots at the presidential nomination before getting it, and then only when he was a 69-year-old man. The Left, too, has had its successes here. George McGovern may have handed Richard Nixon a landslide in 1972, but in the end he succeeded in getting a Republican President to withdraw America from Vietnam.

"If you lost and it was clear what you'd do had you won, you're in a position to run again," says John Sears, former campaign manager for Ronald Reagan. "All it takes is a few more people who believe you're right—which is exactly what happened to Ronald Reagan.

"But if you lost and it's not clear what you stood for, all you proved was that you were the greater of the two evils."

Here inside the Beltway the lessons of losing well are far from the minds of most Republican operatives, deluded by the closeness of the races in Virginia and New York—both races, not coincidentally, where many voted Republican simply because they didn't want a black in office. Thus the current wisdom is that Republicans were defeated because they were forced to carry the right-to-life albatross around their necks. And true enough, Courter and Coleman were crucified on the issue, while Giuliani's flip-flop certainly didn't enhance his image as the candidate of integrity.

But it wasn't abortion itself that was the point, it was what this issue revealed about the candidates' characters. Rudy Giuliani probably suffered the least from it, given the realities of New York City politics, but he was shown up in two high-profile television debates with David Dinkins, the Democratic candidate, and Henry Hewes, a Republican running on the Right to Life ticket. In Virginia, meanwhile, aggressive pro-choice ads run by Democrat Doug Wilder defeated Marshall Coleman largely because the latter failed to respond to them for more than a month. Up in New Jersey, Jim Courter self-destructed on day one, because his early cave-in on abortion after a strong pro-life record for six terms in Congress made him look like a mere opportunist.

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All this had its effect in other areas. In Courter's case, for example, his waffle on abortion prevented him from sounding convincing on anything else, even though he had a good local issue in New Jersey's high insurance rates, which he proposed to attack through deregulation. In Virginia, when Coleman did finally respond to the pro-choice attacks in the last few days of the campaign, he recovered some ground: the classic too little, too late. Instead of presenting themselves as real governing alternatives to the Democrats, Republican candidates were obsessed with finding the silver bullet that would finish off their opponents without their having to give voters a real reason to vote for them.

THUS IN New Jersey the race came down to Jim Courter's copying of a James Florio ad against him, each candidate drawing a Pinocchio nose on the other in TV spots. In Virginia the Coleman campaign consisted mainly of ads criticizing Wilder's handling of a case more than five years back. And in New York, Giuliani spent most of his time prosecuting David Dinkins for failing to file tax returns twenty years ago and for taking a free trip to France. These are the squeaks of uncertain trumpets, not the kind of thing to keep an army ready to rally around for the next battle.

For the Giulianis, Colemans, and Courters never grasped what would have been obvious to Grantland Rice: the difference between losing and being a loser. "Elections are not just about winning or losing," says Henry Hewes, who believes the Republican Party would be invigorated by taking on the issues in a way that would inspire people to work for it. "I lost the election but feel like a winner because I accomplished something. Rudy Giuliani got many more votes but accomplished nothing." □

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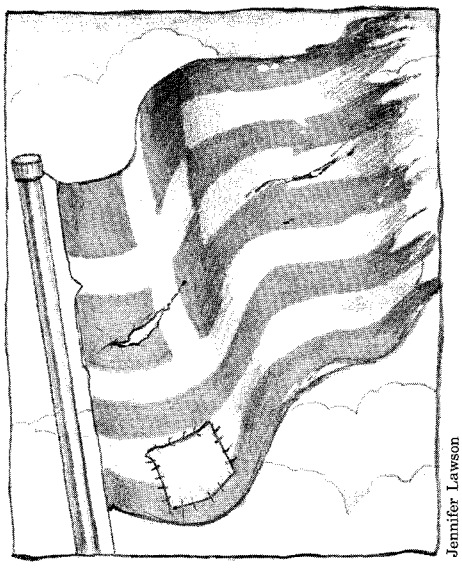
Greece Adrift

RICHARD C. CARPENTER



Jennifer Lawson

ATHENS—The general elections in Greece last week mark the second time in five months that voters gave no political party a clear mandate to govern the country. This means fresh elections in the not too distant future, with protracted economic instability and foreign-policy uncertainty.

As *NR* goes to press, the center-right, Socialist, and Communist parties are haggling over various oddball possibilities for a governing coalition. If these talks fail, a "national unity" or "caretaker" government will be formed. In any case, by the time these lines are read Greeks may be headed toward the polls again, perhaps as early as December 17.

For those who take their news about Greece in occasional spurts, all this may sound strange. Indeed, most of the international media had been portraying former Prime Minister Andreas Papandreou as easy prey. His popularity had plummeted thanks to charges of large-scale government corruption (none yet substantiated, but probably all true). In the June elections, his Panhellenic Socialist Movement (Pasok) was ousted from power.

But it was never reasonable to assume, as most pundits did, that the quasi-conservative Constantine Mitsotakis and his New Democracy party (ND) would automatically pick up the votes Pasok lost. The way the November campaign was waged, and the election results themselves, demonstrate why ND is unlikely to win the next round, or to govern long or well if it does win.

True, the Communist-led Coalition of the Left and Progress dropped two points; it garnered only 10.9 per cent of the vote. Unfortunately, scandal-ridden as it is, Pasok still managed a 1.5-point increase, to 40.7 per cent. The ND's vote increased by only two points, to 46.2 per cent. ND now holds 148 of the three hundred seats in parliament (up three, but still three shy of a majority), Pasok has 128 (also up three), and the Communists have 21 (down seven). The three remaining seats went to various independents. In short, the center-left to hard-left still accounts for some 52 per cent of parliament.

At first glance ND's position might not seem too bad. After all, it did improve on its June performance. In fact, however, in recent Greek history, when two hotly contested general elections are held this close together, the party that is in the ascendancy would normally gain more than ten points. It has taken ND eight years to edge up 10.3 points.

ND's inability to make more than incremental gains is deeply disconcerting to Greece's allies as well as to Greeks themselves. Even if the party obtains a marginal majority, Pasok and/or Communist forces could hamstring an ND government.

Although numerous factors have impeded ND's performance, the recent failures are attributable chiefly to leadership problems. The course Mitsotakis chose for the last campaign illustrates the point.

First, ND did not adequately define its opponent for the electorate. It relied on allegations of Pasok scandals rather than emphasizing the parties' policy differences.

Second, ND leaders went whoring after left-wing votes. First, there was the cock-and-bull coalition with the Communists. Then, ND accepted the Communist composer Mikis Theodorakis as one of its own—the first free-market-oriented party in Europe to have a recipient of the Order of Lenin as a candidate for state deputy.

Third, on economic policy, Mitsotakis waffled between promises of Thatcherite programs one day, and notions of following a Mitterrand or González model the next.

Fourth, Mitsotakis sent out confusing signals regarding foreign policy. For example, he promised Greece would finally give Israel diplomatic recognition, but then added a prominent exponent of Greek anti-Semitism to ND's ticket. On issues such as participation in NATO, the future of U.S. military facilities in Greece, bilateral relations with Turkey, and Common Market cooperation, he became much like Andreas Papandreou: a man of his most recent word.

The impression made? According to one Western observer, ND has become a "hodge-podge of political misfits and has-beens strung together with ill-defined ideology"; it "ought to be called not New Democracy but New Menagerie."

"It's high time to send Mr. No-Win packing," says a party insider. "If he won't leave peaceably, the party—at least a large segment of it—may soon leave him behind."

These sentiments of disgust have not yet reached groundswell proportions. But after a string of defeats (even if close ones) and erratic swings in policy, the message that ND must reform itself is abundantly clear.

Sadly, it may already be too late. Papandreou is sniggering on the sideline, calculating his prospects and reportedly preparing a "spectacular development" to solidify his position and

Mr. Carpenter, NR*'s Athens corespondent, has lived in Greece since 1981.*

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boost Pasok's support. If he delivers even half of what he is promising, democracy will suffer a further blow in the land of its birth. □

The Regents' Round Table

LAWRENCE AUSTER

Jennifer Lawson

NEW YORK—The radicalization of American schools proceeds apace. A report recently issued by New York State Commissioner of Education Thomas Sobol, entitled "A Curriculum of Inclusion," opens with the declaration that "African Americans, Asian Americans, Puerto Ricans/Latinos, and Native Americans have all been the victims of an intellectual and educational oppression that has characterized the culture and institutions of the United States and the European American world for centuries." No, this oppression does not consist in giving an *inferior* education to minorities, but in giving them the *same* education as whites. A "systematic bias toward European culture and its derivatives" has "a terribly damaging effect on the psyche of young people of African, Asian, Latino, and Native American descent." The report calls for a totally restructured curriculum for the state's public schools, in which "the history, achievements, aspirations, and concerns of people of all cultures [shall be] made an integral part of all curricula." This even includes science and math, since "by ostensibly omitting cultural references from science and mathematics materials, a subtle message is given to all children that all science and mathematics originated within the European culture."

Mr. Auster is a freelance writer living in New York City.

The proposal was released at the July meeting of the New York Board of Regents, the body that determines state education policy. Professor Harry Hamilton, a member of the Commissioner's Task Force on Minorities, which prepared the report, told the Regents: "We're on the brink of something very important for New York and the nation. We have to change the entire framework in the way we look at ourselves as a nation." Hamilton invoked mythic imagery: "Instead of one group, European Americans, at the head of a long table, with other cultures present only as invited guests, we will have a Round Table with all cultures equal." Sitting at their own long table, the Regents received the report with enthusiasm. Even conservatives liked it; former Chancellor Willard Genrich, one of a tiny minority on the Board that had just tried to block a major expansion of bilingual education, declared: "This is an excellent document and we should proceed with it."

Unfortunately, if their recent handling of bilingual education is any guide, the Regents seem likely to decide on the curriculum plan on the basis of uplifting slogans about a new America rather than critical thought about the plan's contents. The report does contain some good ideas about widening the curriculum to reflect minority experiences; but on the whole it is a poorly thought-out document, steeped in racial victimology and hostility to the West. The idea that Western-oriented education robs minority youth of self-esteem, "'turns off' the child who is not European American," is not backed up by any evidence at all. When we recall such figures as W. E. B. Du Bois and Martin Luther King, as well as a host of other American blacks who were shining products of "Eurocentered" education, it is hard to take that idea seriously. And why, if a group's curricular "invisibility" harms its self-esteem, have Japanese Americans done so well? Asians have obviously been added to the litany of aggrieved and ego-damaged groups to make plausible the notion of a blanket educational oppression of *all* non-whites and the resulting need for a radical overhaul.

Surprisingly, the report concedes the presence of substantial "multicultural" content (as well as the absence of negative stereotypes) in the present curriculum. A series of textbook reviews written from each minority viewpoint shows that "there has been a serious attempt to broaden the content to reflect the pluralism of American society." But such inclusion, says the report, does not solve the problem, because it is only "additive and not at the center of the endeavors." This is what the Task Force calls "Eurocentered multiculturalism." The mere inclusion of material on minority experience, no matter how extensive, "cannot counteract deeply rooted racist traditions in American culture. Merely adding marginal examples of 'other' cultures to an assumed dominant culture cannot reverse long established and entrenched policies and practices of that dominant culture. . . . The European American monocultural perspective prevails. Its value system and norms dominate."

Hence the report's inoffensive-sounding title, "A Curriculum of Inclusion," conceals a radical intent; it is not just greater inclusion of minority cultures the Task Force seeks, but the dismantling of the dominant culture. By the Orwellian magic of a name—"European American"—the national culture is transformed into an *ethnic* culture on the same level as all of America's minority cultures. Children will be taught that all cultures are to be "equally valued"; that the contributions of Puerto Ricans and Chinese and Iroquois are as important in the development of our society

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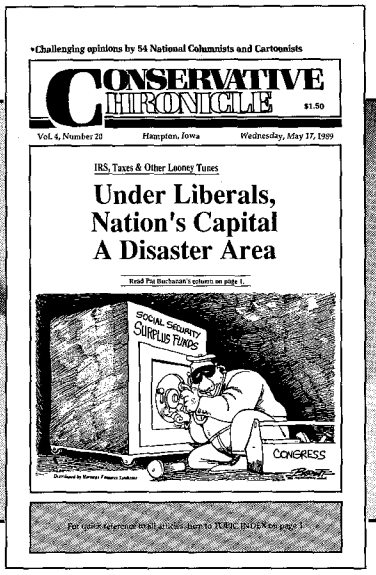

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RIGHT DATA

The Rising Tide

RECENTLY RELEASED Census Bureau data for 1988 show the number of poor persons declined by 500,000 last year. The poverty rate—13.1 per cent—was the lowest for any year since 1981, and real per-capita income was a record $13,120, up 19.2 per cent from 1982.

To the *Washington Post*, however, this was "bad news," further evidence that "the economy famous for lifting all boats no longer does so." The *Post*'s editors go on to assert that "Real per-capita income was up, but . . . this broadest measure of economic well-being is an average. As in other recent years, for the richest two-fifths of families median income and income share rose; for the poorest two-fifths, they declined."

A preoccupation with the distribution of income has led the *Post* to an important misstatement of fact. The Census data for families are as follows:

INCOME LEVELS AND SHARES
(1988 Dollars)

	The Poorest 40%		The Richest 40%	
	Income Share	Average Income	Income Share	Average Income
1978	16.8%	$15,310	65.6%	$59,783
1980	16.7	14,370	65.9	56,705
1982	15.9	13,347	67.0	56,243
1985	15.5	14,035	67.7	61,302
1986	15.4	14,513	67.7	63,800
1987	15.4	14,661	67.8	64,546
1988	15.3	14,768	68.0	65,634

True, the data show a declining *share* of income going to the poorest 40 per cent of families over the past decade. However, income growth during the Reagan recovery more than compensated for the declining share: average real income of this group increased 11 per cent between 1982 and 1988, and is now higher than it was in 1980. Unfortunately, the bottom 40 per cent of families have yet to fully recover from the income losses incurred during the last two Carter years.

Furthermore, the degree of income inequality between "rich" and "poor" families is considerably less than suggested by these figures. For one thing, the Census Bureau counts cash income only, ignoring more than $150 billion in non-cash benefits (food stamps, housing subsidies, Medicaid, etc.) targeted to low-income families. The medical benefits alone have an estimated market value of more than $3,000 per year.

Low-income families are generally smaller than wealthier ones, and are more likely to be headed by individuals either under age 25 or over age 65. Not surprisingly, they have considerably fewer full-time workers. In 1986, for example, among the lowest two-fifths of households there were, on average, only 36 full-time workers per each 100 households; among the most affluent two-fifths there were 119 workers per each 100 households—three times the number found among the less affluent group.

Can we say that a retired couple with a $10,000 pension is really only one-third as well off as a middle-aged family of four with both parents employed and with total income of $30,000? Yet that is exactly the type of comparison implicit in the Census figures.

But no matter how carefully we adjust the income distribution to reflect these factors, it will still mislead as to the true degree of economic "fairness." Income mobility is a far better indicator: in any one year, many families at the bottom of the income distribution are there because of abnormal economic misfortune rather than chronic poverty. Conversely, many people at the top are there because of exceptional, non-recurring circumstances. A University of Michigan survey found, for example, that only 48.5 per cent of the families in the wealthiest 20 per cent in 1971 were still there seven years later. Some had fallen to the poorest 20 per cent. Among the poorest 20 per cent nearly half worked their way out within seven years.

The fact that the bottom two-fifths of families received only 15.3 per cent of total income last year, or any year, is unimportant in an economy as dynamic as ours.

—ED RUBENSTEIN

as America's historical mainstream culture. The truth or falseness of this idea is beside the point; we are dealing here with pure ideology—a call for permanent cultural revolution. "How can one value other cultures," asks one of the report's contributors, "if it is implicit that Anglo-conformity is what is valued and other cultures are tolerated and celebrated only when they do not interfere with the social order?"

Compared to this broad polemic, the actual problems the report identifies in current textbooks seem almost trivial. In fact, most of the omissions the report complains of (e.g., the Puerto Rican migration since World War II, the role of Chinese workers in building the transcontinental railroad, meaningful portraits of African Americans) seem to call for exactly the kind of expanded inclusiveness that its authors contemptuously dismiss as merely "additive." For the rest, the curricular review adds up to little more than a captious racial census of the *pictures* that appear in textbooks. Black Studies professor Leonard Jeffries writes: "Social Studies Program 3 does not include a *multicultural* illustration on the cover *as is done in volumes one and two* [emphasis added]; it depicts two European American youths in school activity." Jeffries criticizes another social-studies cover because, while it portrays white, Asian, and black families, the black family only includes a single parent. "A subtle message is thereby conveyed," writes Jeffries, "about differences in family structure in different cultures." One can't help thinking that if the cover had portrayed a black family with *two* parents, Jeffries would then have denounced it for imposing mainstream family models on inner-city blacks. One thing you can be sure of: the dominant culture is guilty no matter what it does.

This bias extends throughout the entire report. Among its suggestions for the social-studies curriculum, it recommends that the Age of Ex-

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ploration be portrayed with a view to "negative values and policies that produced aggressive individuals and nations that were ready to 'discover, invade, and conquer' foreign land because of greed, racism, and national egoism." Meanwhile, the history of African Americans must be presented "so that the heroic struggle for equity waged by African Americans can be an inspiration to all." Blacks during the American Revolution were fighting "strictly for freedom," while whites were only fighting to "protect their economic interest." So it goes.

The anti-white slant applies not just to *what* children shall be taught, but to the *way* children of different races shall be taught. In a discussion of the K–6 social-studies program—the current goals of which are to "decrease egocentric and stereotypical perceptions" and "increase the ability to empathize"—the Task Force remarks, with bureaucratic coyness: "Ironically, while these objectives apply broadly to all young people, African American, Asian American, Puerto Rican/Latino, and Native American children (because of ego starvation and negative socialization) have special needs that can be more meaningfully met by positive images and cultural experiences." Translation: We're going to tear down the egocentrism of whites (for their own good—to make them less "arrogant") while tendentiously increasing the self-esteem (read: ethnic chauvinism) of non-whites—a sort of affirmative action of the mind.

But not to worry. The report has added a reassuring caveat: "Aspects of cooperation and amicability among all cultures should be stressed over conflict and violence."

But one searches in vain for any sign of amicability in a document that is based on a race-oppression model of intellectual life. "The curriculum in the education systems reflects . . . deep-seated pathologies of racial hatred. . . . Because of the depth of the problem and the tenacity of its hold on the mind, *only the most stringent measures can have significant impact.*" Doesn't sound very amicable to me. But how could it be otherwise? Since "European American" culture is *by definition* exclusive and oppressive, it obviously cannot coexist with the oppressed cultures that seek equality with it until it has been stripped of its hypocritical pretensions to universality and legitimacy—i.e., until, as a national culture, it has ceased to exist.

The multiculturalist movement, in its totalist aims, is profoundly inimical to Western and liberal values. Yet, amazingly, it has managed to gain acceptance within the liberal establishment by retaining the aura of social justice, the patina of humanitarianism, that properly belongs to the older liberalism it has supplanted. How long are liberals and conservatives, both of whom oppose the traditional kinds of radicalism, going to keep on acquiescing in *cultural* radicalism?

A final note: On the train heading back to New York from the Regents' meeting in Albany, I struck up a conversation with a very bright young woman, a college senior majoring in English, who told me she was planning to be a teacher. She said she recently took an education course, "*but all we talked about each day was race. We didn't learn anything about education.*" She said the experience has made her think twice about her career aims. Now she thinks she might teach in private rather than public school—or perhaps not go into teaching at all. □

The End of Communism in Italy

ERNEST VAN DEN HAAG

Jennifer Lawson

ROME—In the Eastern bloc, Communism is being transformed so much that it has become almost unrecognizable. We may be seeing the end of Communism as we know it—although there are strong vested interests and there may be a reaction. Meanwhile, in the West, the Communists have been marginalized in France, Spain, and Portugal. They have almost disappeared in West Germany. The Moscow-dominated world Communist movement hardly exists any longer in non-Communist countries as a Communist (pro-Soviet) political force.

Marxist ideology survives in only two places (it is hardly taken seriously in Communist countries). It still is influential in underdeveloped countries in Africa. Indeed the less developed a country is, the more Marxist it tends to be. And in the Western world, Marxism survives in numerous academic departments. But the academic revival is a dead end. It leads nowhere (except to conferences). Universities serve as the attics in which pictures of the dead ideology are fondly stored.

There is one exception to the demise of Communist parties in Western Europe and that is the Italian Communist Party (PCI). It used to get at least one-third of the Italian vote and governed many cities, including, for a time, Rome. But over the last decade its share of the vote has been declining. If polls are to be believed, the PCI will get only a quarter of the vote in the next election, although it remains well entrenched in many localities. The resulting transformation of the party—of its structure, its policy, its ideology—is quite amazing. If its leaders are to be believed it has become a wholly new party. There even is discussion about whether the label "Communist" should be retained although, or because, it goes back all the way to Karl Marx (not to speak of V. I. Lenin).

The PCI has now explicitly repudiated all revolutionary intentions and preparations for violence. In foreign policy it professes to approve of membership in NATO. On nuclear weapons it stands about where German Chancellor Helmut Kohl stands, far to the right of the British Labor Party. It opposes nationalization and, indeed,

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favors privatization. Meanwhile it calls for more efficiency in the industries run by the government (as who doesn't?). The PCI does favor regulation, particularly of financial markets (although not as much regulation as in the United States).

Some years ago, the PCI declared itself officially independent from Moscow within the Communist movement (Eurocommunism). Now, at its most recent Party Congress, it declared itself no longer part of the international Communist movement, but simply a democratic Italian party. It officially allows debate, dissent, and competitive elections within the party ranks. The PCI has declared that those not persuaded by the leadership's policy may, nonetheless, remain party members; they will even be allowed to proclaim their dissenting views. "Democratic centralism" (running the party entirely from above with no tolerance for dissent) has officially been given up. The party favors a pluralistic democracy. There is more. But suffice it to say that at present the Italian Communist Party stands to the right of our own Democratic Party on all issues, domestic and foreign, one can think of.

Three questions will occur to anyone: 1) Are these professions sincere? Or are they temporary tactics rather than convictions, even though enshrined in official party documents? 2) What does all this mean for the Italian political situation—and what should America's attitude be, as NATO partner, and friend of democratic Italy? 3) How important is the PCI and how important will its role be? Will it be allowed to join the Italian government?

Sincere? Well, one cannot look into the minds of the party leaders. Chances are that some of the younger ones mean it. Some of the older leaders probably don't, and a great many minor leaders surely are shocked by the radical boldness of the change of direction. I wouldn't bet on conviction. But the important question is not about sincerity. Rather, one must ask: Is the situation that led to the transformation likely to continue? Is it in the interest of the party and of its leaders to adhere to the new course? Or is there a chance that the PCI will find it profitable, sooner or later, to return to the positions of Palmiro Togliatti, its last Stalinist leader? (It should be noted that it was Togliatti's successor, Enrico Berlinguer, who started to lead the party away from domination by Moscow.) The answer is unequivocal. The conditions that caused the transformation of the PCI are most unlikely to change. It would be impossibly silly for the PCI to try to return to its revolutionary ideology, however much some may continue to long for it.

There was, at some time in the past, the hope, or fear, that the PCI could take control of Italy. Actually, the PCI never had the strength to more than dream of revolution. The establishment institutions—the military, the police, the church, the bureaucracy, the local powerholders—never were weak enough to make the possibility into a probability. Anyway, there is not the slightest chance now.

If there is no chance for revolution, what can the PCI do? Why, enter the government, of course. The Communists have been reasonably successful in governing many major cities and regions, sometimes as part of a coalition. But the other parties—mainly the Socialists under Bettino Craxi—refuse to admit them to a national coalition.

Craxi feels that the PCI is still too strong to make a comfortable partner. And so it is, relative to Craxi's Socialists, getting about double the proportion of voters. Yet the distance has diminished greatly, and the Communists are likely to lose some more votes while the Socialists may make some gains. To be sure, Socialist President François Mitterrand in France managed to diminish the appeal of a pretty Stalinist French Communist Party by letting it enter his government. But Craxi feels that the Communists' appeal is diminishing while they are kept out—and why fix something that isn't broken?

The next elections will show whether his strategy continues to work. I doubt that the PCI will get much less than 20 per cent of Italian votes in the near future. It has become too much a local fixture for that to happen. However, the Socialists may gain enough to feel that they can afford Communist partners. Many Christian Democrats (the biggest vote-getter in Italy) favor letting the transformed PCI have some share of power—a policy bitterly opposed by their former leader Ciriaco de Mita.

Meanwhile the PCI can do little. It cannot force its potential partners to accept it as long as they can form a government without it. Yet, there might be some advantages in letting the PCI have a share of power, thus completing its domestication. Italy sorely needs economic and government reforms, which will be impossible to achieve without at least tolerance by the labor unions. The PCI still dominates the most important unions. The chances of a leader willing and able to break union power, as Mrs. Thatcher did in England, are remote. All Italian postwar governments have been officially leftist and have included, for the most part, varieties of socialists. A country that went through Fascism is not going to break union power. So the unions must be tamed. They must be made to see that frequent strikes do not help their constituents, any more than wage demands that cannot be supported by the productivity of the country. A daunting task, which will require Communist cooperation.

MEANWHILE Italy is administered by its various government coalitions centered on the Christian Democratic Party in alliance with the non-Communist Left. But Italy is not governed. It prospers nonetheless, because Italians go about their business despite government regulations and activities—and despite a deficit far greater in proportion to official GNP than the American one. Part of this deficit is caused by a welfare state run wild. Everybody gets a pension for something and special privileges at the many state-run enterprises. This too has to be reformed, and once again there is little chance that any reform can occur without the cooperation of the Communist-dominated unions. That cooperation is likely to be available for a share of the pie.

American policy has always been bitterly opposed to Communist participation in the government. This position was justified as long as the PCI was a totalitarian party dominated by Moscow. It no longer is. We should leave Italian politics to the Italian politicians. Whether the PCI is, or is not, part of the government, Italy will remain a loyal ally. It is in our interest that it have a democratic government able to govern with the consent of the governed. □

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THE ORIGINAL UNDERSTANDING

The Case Against Political Judging

The man who should now be serving on the Supreme Court defends judicial restraint, and reflects upon the excesses of his liberal opponents.

ROBERT H. BORK

WHAT WAS once the dominant view of constitutional law—that a judge is to apply the Constitution according to the principles intended by those who ratified the document—is now very much out of favor among the theorists of the field. In the legal academies in particular, the philosophy of original understanding is usually viewed as thoroughly passé, probably reactionary, and certainly—the most dreaded indictment of all—"outside the mainstream." That fact says more about the lamentable state of the intellectual life of the law, however, than it does about the merits of the theory.

In truth, only the approach of original understanding meets the criteria that any theory of constitutional adjudication must meet in order to possess democratic legitimacy. Only that approach is consonant with the design of the American Republic.

When we speak of "law," we ordinarily refer to a rule that we have no right to change except through prescribed procedures. That statement assumes that the rule has a meaning independent of our own desires. Otherwise there would be no need to agree on procedures for changing the rule. Statutes, we agree, may be changed by amendment or repeal. The Constitution may be changed by amendment pursuant to the procedures set out in Article V. It is a necessary implication of the prescribed procedures that neither statute nor Constitution should be changed by judges. Though that has been done often enough, it is in no sense proper.

What is the "meaning" of a law, that essence that judges should not change? It is the meaning understood at the time of the law's enactment. What the Constitution's ratifiers understood themselves to be enacting must be taken to be what the public of that time would have understood the words to mean. It is important to be clear about this, because the search is not for a subjective intention. If, for instance, Congress enacted a statute outlawing the sale of automatic rifles and did so in the Senate by a vote of 51 to 49, no court would overturn a conviction under the law because two senators in the majority later testified that they had really intended only to prohibit the *use* of such rifles. They said "sale" and "sale" it is. Thus, the common objection to the philosophy of original understanding—that Madison kept his notes of the convention at Philadelphia secret for many years—is off the mark. He knew that what mattered was public understanding, not subjective intentions.

Law is a public act. Secret reservations or intentions count for nothing. The original understanding is thus manifested in the words used and in secondary materials, such as debates at the conventions, public discussion, newspaper articles, dictionaries in use at the time, and the like.

THE SEARCH for the intent of the lawmaker is the everyday procedure of lawyers and judges when they apply a statute, a contract, a will, or the opinion of a court. To be sure, there are differences in the way we deal with different legal materials, which was the point of John Marshall's observation in *McCulloch* v. *Maryland* that "we must never forget, that it is a *constitution* we are expounding." By that he meant narrow, legalistic reasoning was not to be applied to the document's broad provisions, a document that could not, by its nature and uses, "partake of the prolixity of a legal code." But in that same opinion he also wrote that a provision must receive a "fair and just interpretation," which means that the judge is to interpret what is in the text and not something else. And, it will be recalled, in *Marbury* v. *Madison* Marshall based the judicial power to invalidate a legislative act upon the fact that a judge was applying the words of a written document. Thus, questions of breadth of approach or of room for play in the joints aside,

Judge Bork is John M. Olin Scholar in Legal Studies at the American Enterprise Institute. He is the author of The Tempting of America *(Free Press), from which this article was adapted.*

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lawyers and judges should seek in the Constitution what they seek in other legal texts: the original meaning of the words.

We would at once criticize a judge who undertook to rewrite a statute or the opinion of a superior court; and yet such judicial rewriting is often correctable by legislatures or superior courts, whereas the Supreme Court's rewriting of the Constitution is not correctable. At first glance, it seems distinctly peculiar that there should be a great many academic theorists who explicitly defend departures from the understanding of those who ratified the Constitution while agreeing, at least in principle, that there should be no departure from the understanding of those who enacted a statute or joined a majority opinion. A moment's reflection suggests, however, that Supreme Court departures from the original meaning of the Constitution are advocated *precisely because* those departures are not correctable democratically. The point of the academic exercise is to be free of democracy in order to impose the values of an elite upon the rest of us.

It is here that the concept of neutral principles, which Herbert Wechsler has said are essential if the Supreme Court is not to be a naked power organ, comes into play. Wechsler, in expressing his difficulties with the decision in *Brown* v. *Board of Education*, said that courts must choose principles which they are willing to apply neutrally; to apply, that is, to all cases that may fairly be said to fall within them. This is a safeguard against political judging. No judge will say openly that any particular group or political position is always entitled to win. He will announce a principle that decides the case at hand, and Wechsler has no difficulty with that if the judge is willing to apply the same principle in the next case, even when it means a group favored by the first decision is disfavored by the second.

When a judge finds his principle in the Constitution as originally understood, the problem of the neutral derivation of principle is solved. The judge accepts the ratifiers' definition of the appropriate ranges of majority and minority freedom. The "Madisonian dilemma" (essentially, the conflict of majority rule with minority rights) is resolved in the way that the Founders resolved it, and the judge accepts the fact that he is bound by that resolution as law. He need not, and must not, make unguided value judgments of his own.

This means, of course, that a judge, no matter on what court he sits, may never create new constitutional rights or destroy old ones. Any time he does so, he violates the limits of his own authority and, for that reason, also violates the rights of the legislature and the people. When a judge is given a set of constitutional provisions, then, as to anything not covered by those provisions, he is, quite properly, powerless. In the absence of law, a judge is a functionary without a function.

This is not to say, of course, that majorities may not add to minority freedoms by statute, and indeed a great deal of the legislation that comes out of Congress and the state legislatures does just that. The only thing majorities may not do is invade the liberties the Constitution specifies. In this sense, the concept of original understanding builds in a bias toward individual freedom. Thus, the Supreme Court properly decided in *Brown* that the equal protection clause of the Fourteenth Amendment forbids racial segregation or discrimination by any arm of government, but, because the Constitution addresses only governmental action, the Court could not address the question of private discrimination. Congress did address it in the Civil Rights Act of 1964 and in subsequent legislation, enlarging minority freedoms beyond those mandated by the Constitution.

THE NEUTRAL definition of the principle derived from the historic Constitution is also crucial. The Constitution states its principles in majestic generalities that we know cannot be taken as sweepingly as the words alone might suggest. The First Amendment states that "Congress shall make no law . . . abridging the freedom of speech," but no one has ever supposed that Congress could not make some speech unlawful or that it could not make all speech illegal in certain places, at certain times, and under certain circumstances. Justices Hugo Black and William O. Douglas often claimed to be First Amendment absolutists, but even they would permit the punishment of speech if they thought it too closely "brigaded" with illegal action. From the beginning of the Republic to this day, no one has ever thought Congress could not forbid the preaching of mutiny at sea or disruptive proclamations in a courtroom. One may not cry "Fire!" in a crowded theater.

But the question of neutral definition remains and is obviously closely related to neutral application. Neutral application can be gained by defining a principle so narrowly that it will fit only a few cases. Thus, once a principle is derived from the Constitution, its breadth or the level of generality at which it is stated becomes of crucial importance. The judge must not state the principle with so much generality that he transforms it. The difficulty in finding the proper level of generality has led some critics to claim that the application of the original understanding is actually impossible. That sounds fairly abstract, but an example will make clear both the point and the answer to it.

In speaking of my view that the Fourteenth Amendment's equal protection clause requires black equality,

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Dean Paul Brest said:

> The very adoption of such a principle, however, demands an arbitrary choice among levels of abstraction. Just what *is* "the general principle of equality that applies to all cases"? Is it the "core idea of *black* equality" that Bork finds in the original understanding (in which case Allan Bakke [a white who sued because a state medical school gave preference in admissions to other races] did not state a constitutionally cognizable claim), or a broader principle of "*racial* equality" (so that, depending on the precise content of the principle, Bakke might have a case after all), or is it a still broader principle of equality that encompasses discrimination on the basis of gender (or sexual orientation) as well?
>
> . . . The fact is that all adjudication requires making choices among the levels of generality on which to articulate principles, and all such choices are inherently non-neutral. No form of constitutional decision-making can be salvaged if its legitimacy depends on satisfying Bork's requirements that principles be "neutrally derived, defined, and applied."

If Brest's point about the impossibility of choosing the level of generality upon neutral criteria is correct, we must either resign ourselves to a Court that *is* a "naked power organ" or require the Court to stop making "constitutional" decisions. But Brest's argument seems to me wrong, and I think a judge committed to original understanding can do what Brest says he cannot. We may use Brest's example to demonstrate the point.

The role of a judge committed to the philosophy of original understanding is not to "*choose* a level of abstraction." Rather, it is to find the meaning of a text—a process which includes finding its degree of generality, which is part of its meaning—and to apply that text to a particular situation, which may be difficult if its meaning is unclear. With many if not most textual provisions, the level of generality which is part of their meaning is readily apparent. The problem is most difficult when dealing with the broadly stated provisions of the Bill of Rights. It is to the latter that we confine discussion here. In dealing with such provisions, a judge should state the principle at the level of generality that the text and historical evidence warrant. The equal-protection clause was adopted in order to protect freed slaves, but its language, being general, applies to all persons. As we might expect, the evidence of what the drafters, the Congress that proposed the clause, and the ratifiers understood themselves to be requiring is clearest in the case of race relations. It is there that we may begin in looking for evidence of the level of generality intended. Without meaning to suggest what the historical evidence in fact shows, let us assume we find that the ratifiers intended to guarantee that blacks should be treated by law no worse than whites, but that it is unclear whether whites were intended to be protected from discrimination. On such evidence, the judge should protect only blacks from discrimination, and Allan Bakke would not have had a case. The reason is that the next higher level of generality above black equality, which is racial equality, is not shown to be a constitutional principle, and, therefore, there is nothing to be set against a current legislative majority's decision to favor blacks. Democratic choice must be accepted by the judge where the Constitution is silent. The test is the reasonableness of the distinction, and the level of generality chosen by the ratifiers determines that. If the evidence shows the ratifiers understood racial equality to have been the principle they were enacting, then Bakke *would* have a case.

To define a legal proposition or principle involves simultaneously stating its contents and its limits. When, for instance, you state what *is* contained within the clause of the First Amendment guarantee of the free exercise of religion, you necessarily state what is *not* contained within that clause. Because the First Amendment guarantees freedom of speech, judges are required reasonably to define what is speech and what is its freedom. Where the law stops, the legislator may move on to create more; but where the law stops, the judge must stop.

The neutral or nonpolitical application of principle has been discussed in connection with Wechsler's discussion of *Brown*. It is a requirement, like the others, addressed to the judge's integrity. Having derived and defined the principle to be applied, he must apply it consistently and without regard to his sympathy or lack of sympathy with the parties before him. This does not mean that the judge will never change the principle he has derived and defined. Anybody who has dealt extensively with law knows that a new case may seem to fall within a principle as stated and yet not fall within the rationale underlying it. As new cases present new patterns, the principle will often be restated and redefined. There is nothing wrong with that; it is, in fact, highly desirable. But the judge must be clarifying his own reasoning and verbal formulations and not trimming to arrive at results desired on grounds extraneous to the Constitution. This requires a fair degree of sophistication and self-consciousness on the part of the judge. The only external discipline to which the judge is subject is the scrutiny of professional observers who will be able to tell over a period of time whether or not he is displaying intellectual integrity.

THE STRUCTURE of government the Founders of this nation intended most certainly did not give courts a political role. The debates surrounding the Constitution focused much more upon theories of representation than upon the judiciary, which was thought to be a comparatively insignificant branch. There were, however, repeated attempts at the Constitutional Convention in Philadelphia to give judges a policy-making role. The plan of the Virginia delegation, which, amended and expanded, ultimately became the Constitution of the United States, included a proposal that the new national legislature be controlled by placing a veto power in a Council of Revision consisting of the executive and "a convenient number of the National Judiciary." That proposal was raised four times and defeated each time. Among the reasons, as reported in James Madison's notes, was the objection raised by Elbridge Gerry of Massachusetts that it "was quite foreign from the nature of ye. office to make them judges of policy of public measures." Rufus King, also of Massachusetts, added that judges should "expound the law as it should come before them, free from the bias of having participated in its formation." Judges who create new constitutional rights are judges of the policy of public measures and are biased by having participated in the policy's formation.

The intention of the Convention was accurately described by Alexander Hamilton in *The Federalist* No. 78: "[T]he judiciary, from the nature of its functions, will

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Why Do The Liberals Rage?

WHY WAS THERE an explosion of fury at my nomination to the Supreme Court? Why did the public-interest organizations, so many academics, and most of the major media display blatant hostility and misrepresent facts?

Most immediately, of course, many of these groups were energized by issues such as abortion and sexual permissiveness. *Roe* v. *Wade* imposed on the United States rules permitting more widespread abortion than is allowed by the laws of any other Western democracy. The possibility that the case would be overturned meant that greater regulation might occur here. On this and related social issues the Court was perceived to be at a tipping point, and Justice Powell, whom I would have replaced, had one year before my nomination provided a crucial fifth vote to retain *Roe*. The real fear that I would vote the other way may also have brought into play accusations about hostility to civil rights as a means of adding other groups to the opposition coalition.

But the fear of the opposition was more general than that. *Roe* is a symbol for a constellation of attitudes about social issues that are typical of the groups that came together in a great coalition to organize the opposition. The battle was ultimately about whether intellectual-class values, which are more egalitarian and socially permissive, which is to say left-liberal, than those of the public at large (and so cannot carry elections), were to continue to be enacted by the Supreme Court. That was why this nomination became the focal point of the war within our culture. The behavior of the people involved reflects a left-liberal culture in near despair. The members of that culture know they are a minority, and they were desperate not to lose a battle in which symbolism as much as substance was at stake. The left-liberal culture commands much of the institutional high ground in our society. Until recently, one of its major strongholds was the Supreme Court of the United States. Being a minority, that culture must control such institutions, including counter-majoritarian institutions such as the federal courts, to have any hope of winning its cultural battles. As Lloyd Cutler, a prominent liberal lawyer and counsel to President Carter, and a man who publicly supported me, said afterward, "Your enemies did not really think you would overturn all the decisions they like. But they have an entitlements agenda for the future—things like constitutional rights to welfare and to education—and they knew you wouldn't give it to them." If so, they were right. I would not have enacted that agenda for them, not because I disagree with those positions politically or morally but because they are not to be found in the actual Constitution. If the groups' programs are to become law, they must be enacted by legislatures.

Only recently have intellectual-class policies been advanced with the ferocity and, it must be said, the intellectual dishonesty that was manifested in the nomination campaign. What is new is the addition to the intellectual class of a group associated with, indeed responsible for, the rebelliousness and turmoil in the universities in the late 1960s, who are now in mid-career but, in large measure, retain the attitudes they formed in youth. As would be expected, they have avoided careers in business and professions not directly concerned with policymaking. Instead, today they are tenured in the universities, strongly represented in the media, and far more active than other Americans in politics (where they have found their home in the Democratic Party); and, as I shall discuss below, they man an enormous range of activist public-interest groups. A member of the Columbia class of 1968, now teaching at the university, made this point in telling fashion:

> What has changed most since 1968 has been the faculty, especially the junior faculty. They are the children of the Sixties. They were marching then, but now the political action takes place in the classroom, and in the scholarly books dedicated to social change.

Stephen H. Balch and Herbert I. London observe that today the radical left is "comfortably ensconced within a network of journals and professional organizations, university departments and academic programs" where they may be distinguished from their colleagues by their view that "scholarship and teaching are pre-eminently, and unavoidably, extensions of politics." This general academic phenomenon is observable in the law faculties as well. Indeed, the adherents of the radical Critical Legal Studies movement themselves agree that the typical CLS professor was a college and law student in the late 1960s and early 1970s whose political attitudes were shaped by the antiwar and other radical activities of that period.

The Sixties generation originated as an adversary culture—indeed, many of them described themselves as the "counterculture"—and they remain cultural revolutionaries, but now they occupy positions from which they can heavily influence and alter the general culture, and they do. The New Left, a congeries of radicals so named to distinguish them from the historic left, collapsed as a political movement, but its adherents are still with us and arguably have more effect on our politics and policies than ever.

The influence of this new left (I have dropped the capitals to indicate that it is no longer a political movement) is greatly increased by the fact that many such persons claim to be merely liberals of the old-fashioned variety. The claim is false, but it increases the credibility of this group with traditional liberals. The most

always be the least dangerous to the political rights of the Constitution; because it will be least in a capacity to annoy or injure them." The political rights of the Constitution are, of course, the rights that make up democratic self-government. Hamilton obviously did not anticipate a judiciary that would injure those rights by adding to the list of subjects that were removed from democratic control. Thus, he could say that the courts were "beyond comparison the weakest of the three departments of power," and he appended a quotation from the "celebrated Montesquieu": "Of the three powers above mentioned [the others being the legislative and the executive], the JUDICIARY is next to nothing." This was true because judges were, as Rufus King said, merely to "expound" the law.

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important aspects of the new left are that it is unprogrammatic and that it is alienated.

Because it has no cohesive program, this form of radicalism finds outlets in a variety of single-issue organizations. As Arch Puddington said:

> The [contemporary left's] job has been simplified by the absence of serious left-wing parties whose ideologies, programs, or foreign links might elicit public scrutiny—and hostility. Instead of working through organized parties, the Left presses its agenda through single-issue projects—on the misconduct of the CIA, the menace of nuclear power, Central American "war crimes," multinational corporate greed, U.S.–Soviet relations. At any given time, it has going literally hundreds of projects, coalitions, committees, task forces, and commissions of inquiry. Many achieve little beyond a few newspaper clippings; a few, however, have changed the very complexion of American life.

The single-issue groups also include those who attack American business through extreme forms of environmentalism, feminism, product safety, health concerns, and the like. Each of these is recognized by Americans of all persuasions as a meritorious cause, but each can be pushed to extremes so great that it is difficult not to conclude that more than concern for the stated cause is at work. That "more" often seems to be an antibusiness or antibourgeois mindset.

THE NEW LEFT is probably unprogrammatic because it is frustrated by its inability to articulate its natural policy preferences. The new left adopts Marxist critiques of American society because Marxism offers the most fully developed and prestigious adversarial system ready to hand. Yet the new left cannot afford to put forward a Marxist program. There is really no alternative to a capitalistic, bourgeois society other than some form of socialism. But socialism is widely, almost universally, recognized to be a practical and intellectual failure, a set of policies now so thoroughly discredited that in America no movement with any ambition to achieve power or even influence can afford to embrace it. There are of course repackaged varieties of socialism, such as industrial planning, but they quickly lose appeal when seen for what they are. The result is that those who dislike this society have only a policy of severe criticism without an alternative program they can articulate.

The other fact to be noted about the new left and some segments of the intellectual class is that it is enormously mistrustful of this society and its institutions, a mistrust so deep that some commentators have characterized it as a state of alienation.

Every study of the new left and sympathetic members of the intellectual class shows their attitudes to be as I have described. S. Robert Lichter and Stanley Rothman studied the leadership of more than six dozen "public interest" groups and found:

> . . . their alienation was one of our most striking findings. . . . Three out of four [public-interest leaders] believe the very structure of our society causes alienation, and over 90 per cent say our legal system favors the wealthy. . . . Only about half believe the system can be salvaged.

A staggering 96 per cent of the public-interest elite sampled voted for George McGovern. Richard Nixon won an enormous landslide in the nation as a whole, but at the same time the public-interest elite gave his leftist opponent a landslide of the proportions usually seen only in Communist-bloc nations. Figures of the same general magnitude are displayed by media and academic elites. The general class of intellectuals who display views of this sort numbers in the millions.

A culture that is at once moralistic, self-righteous, alienated, and in a minority will constantly be tempted to break the rules of political discourse—indeed to conduct its struggles in ways that preclude the use of the word "discourse"—and to gain its ends by deception or outright falsehoods. Policy disputes are disguised and take the form of moral assault. As President Bush said, the disputants challenge not each other's ideas but each other's motives. Max Lerner observed that our politics today are more Jacobin than at any time since the 1960s. Saul Bellow noted that the "heat of the dispute between Left and Right has grown so fierce in the last decade that the habits of civilized discourse have suffered a scorching." This form of behavior was certainly a prominent feature of the Sixties generation's tactics as students. Alexander Bickel, in describing those tactics, complained of

> the abandonment of reason, of standards, of measure, the loss of balance and judgment. Among its symptoms were the incivility and even violence of rhetoric and action that academics and other intellectuals domesticated into their universe of discourse. . . . Our recent revolutionists have offered . . . a vision of "liberated" masses adjuring profit, competition, personal achievement, and any form of gratification not instantly and equally available to all.

It is a sign that an important part of this society has accepted, or become resigned to, both the values and the tactics of the new left that assaultive rhetoric of the kind Bickel describes is now allowed to pass with little resistance or comment from the media and other institutions of the intellectual class.

People who are alienated obviously will not respect the basic institutions of a society they regard as illegitimate. Lectures about the right of self-government, judicial restraint, and the separation of powers will seem irrelevant if not reactionary. Thus Bickel also noted that such people prefer an activist, imperialistic Supreme Court as a means of displacing democratic choice by moral principle.

—RHB

Even if evidence of what the Founders thought about the judicial role were unavailable, we would have to adopt the rule that judges must stick to the original meaning of the Constitution's words. If that method of interpretation were not common in the law, if James Madison and Justice Joseph Story had never endorsed it, if Chief Justice John Marshall had rejected it, we would have to invent the approach of original understanding in order to save the constitutional design. No other method of constitutional adjudication can confine courts to a defined sphere of authority and thus prevent them from assuming powers whose exercise alters, perhaps radically, the design of the American Republic. The philosophy of original understanding is thus a necessary inference from the

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structure of government apparent on the face of the U.S. Constitution.

We come now to the question of precedent. It is particularly important because, as Professor Henry Monaghan of Columbia University Law School notes, "much of the existing constitutional order is at variance with what we know of the original understanding." Some commentators have argued from this obvious truth that the approach of original understanding is impossible or fatally compromised, since they suppose it would require the Court to declare paper money unconstitutional and overturn the centralization accomplished by abandoning restrictions on congressional powers during the New Deal. But to say that prior courts have allowed, or initiated, deformations of the Constitution is not enough to create a warrant for present and future courts to do the same thing.

All serious constitutional theory centers upon the duties of judges, and that comes down to the question: What should the judge decide in the case now before him? Obviously, an originalist judge should not deform the Constitution further. Just as obviously, he should not attempt to undo all mistakes made in the past. At the center of the philosophy of original understanding, therefore, must stand some idea of when the judge is bound by prior decisions and when he is not.

Is judicial precedent an ironclad rule? It is not, and never has been. As Felix Frankfurter once explained, "*stare decisis* is a principle of policy and not a mechanical formula of adherence to the latest decision, however recent and questionable, when such adherence involves collision with a prior doctrine more embracing in its scope, intrinsically sounder, and verified by experience." Thus, in Justice Powell's words, "[i]t is . . . not only [the Court's] prerogative but also [its] duty to re-examine a precedent where its reasoning or understanding of the Constitution is fairly called into question." The Supreme Court frequently overrules its own precedents. *Plessy* v. *Ferguson*, and the rule of separate-but-equal in racial matters, lasted 58 years before it was dispatched in *Brown* v. *Board of Education*. In a period of 16 years the Court took three different positions with respect to the constitutionality of federal power to impose wage and price regulations on states and localities as employers. Indeed, Justice Blackmun explained in the last of these decisions that prior cases, even of fairly recent vintage, should be reconsidered if they "disserve principles of democratic self-governance." Every year the Court overrules a number of its own precedents.

The practice of overruling precedent is particularly common in constitutional law, the rationale being that it is extremely difficult for an incorrect constitutional ruling to be corrected through the amendment process. Almost all Justices have agreed with Felix Frankfurter's observation that "the ultimate touchstone of constitutionality is the Constitution itself and not what we have said about it." But that, of course, is only a partial truth. It is clear, first, that Frankfurter was talking about the Supreme Court's obligations with respect to its own prior decisions. Lower courts are not free to ignore what the Supreme Court has said about the Constitution, for that would introduce chaos into the legal system as courts of appeal refused to follow Supreme Court rulings and district courts disobeyed their appellate courts' orders. Second, what "the Constitution itself" says may, as in the case of paper money, be irretrievable, not simply because of "what [the Justices] have said about it," but because of what the nation has done or become on the strength of what the Court said.

To say that a decision is so thoroughly embedded in our national life that it should not be overruled, even though clearly wrong, is not necessarily to say that its principle should be followed in the future. Thus, the expansion of Congress's commerce, taxing, and spending powers has reached a point where it is not possible to state that, as a matter of articulated doctrine, there are any limits left.

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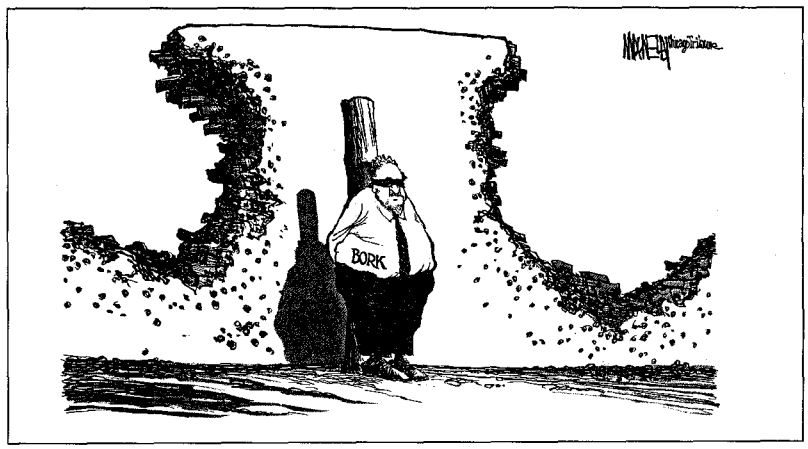

That does not mean, however, that the Court must necessarily repeat its mistake as congressional legislation attempts to reach new subject areas. Cases now on the books would seem to mean that Congress could, for example, displace state law on such subjects as marriage and divorce, thus ending such federalism as remains. But the Court could refuse to extend the commerce power so far, without overruling its prior decisions, thus leaving existing legislation in place but not giving generative power to the faulty principle by which that legislation was originally upheld. It will be said that this is a lawless approach, but that is not at all clear. The past decisions are beyond reach, but there remains a constitutional principle of federalism that should be regarded as law more profound than the implications of the past decisions. They cannot be overruled, but they can be confined to the subject areas they concern. When we cannot recover the transgressions of the past, then the best we can do is say to the Court, "Go and sin no more."

Finally, it should be said that those who adhere to a philosophy of original understanding are more likely to respect precedent than those who do not. As Justice Scalia has said, if revisionists can ignore "the most solemnly and democratically adopted text of the Constitution and its Amendments . . . on the basis of current values, what possible basis could there be for enforced adherence to a legal decision of the Supreme Court?" If you do not care about stability, if today's result is all-important, there is no occasion to respect either the constitutional text or the decisions of your predecessors. □

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MOSCOW DAYS

How to Dismantle Communism

How can Gorbachev free the energies of the Soviet economy without freeing the people? But how can he free the people without giving up power? Mikhail Gorbachev, meet Catch 22.

PETER LUBIN

Igor Birman was an economist in Moscow before emigrating in 1974 to the United States, where he has become a severe critic of economic Sovietology. In a series of studies he has exploded the conventional wisdom about the Soviet economy's strength. He was the first to discover the huge hidden deficit in the Soviet budget. His views, once controversial, seem to be borne out by recent revelations. Among his many books in several languages, the latest is Personal Consumption in the USSR and the U.S.A. *(St. Martin's Press, 1989). Mr. Birman occasionally visits the Soviet Union.*

LUBIN: An American who attempts to fathom the state of the Soviet economy may well be puzzled by conflicting information. On the one hand, there are gloomy statistics and news of endless shortages; on the other hand, heartwarming stories about the latest entrepreneurial activity in the Soviet Union—such as the much-publicized Moscow restaurant, Fyodorov. Recently, at a press conference, academician Leonid Abalkin stated that unless there were improvement in living standards within the next 18 months, the country would turn away from democratization. Another senior economist, Vladimir Tikhonov, predicted famine. So what is the situation?

BIRMAN: The state of the economy is crisis. The situation is rapidly deteriorating. Contrary to official Soviet statistics and CIA estimates, the value of the GNP continues to decrease and there are many signs of things getting worse. People had some hope when Gorbachev was crowned, but now they have lost hope. Not only Abalkin and Tikhonov, but Seliunin (a prominent writer on economic subjects), Yeltsin, and others predict mass discontent. Ethnic and national problems in the USSR also result, to a great degree, from economic difficulties. The same Abalkin whom you mentioned also said that during the last few years, as far as the economy goes, each month has been worse than the last.

LUBIN: Do you mean that economic problems underlie what the media assume to be intractable problems of religion and nationality?

BIRMAN: Not entirely, but it would be far easier to resolve such problems if the economy improved. This is evident in Uzbekistan and Kazakhstan. One of the basic reasons for unrest in the Baltic republics is the fact that their living standards, though higher than in other parts of the country, are much lower than those of their northern neighbor, Finland. Even the battles between Armenians and Azerbaidzhanis would be less serious if both peoples were not suffering so much economically. Mark my words: soon we will hear from the Ukraine. Many Ukrainians, in economic straits, assert that they are being robbed by the Great Russians.

People in the USSR have long been aware that their living standards are worse than those even in Eastern Europe. When millions of soldiers returned from the defeated enemy countries after World War II, they painted a picture of a different economic existence. At least since then no one has doubted that the West is much better off. But now they know that even outside Europe and the U.S., many live much better than they do.

LUBIN: Can you give us some idea of what you mean?

BIRMAN: Alas, there is an almost criminal ignorance here about life in that other superpower. The state of economic Sovietology is not much better than the state of the Soviet economy. In particular, the CIA claim that we Americans live three times better than the Soviets is not true. Reviewing for the Pentagon the CIA's underlying study, I had to conclude that it was nonsense. The American standard of living is at least five times as high. I am afraid that for many Westerners it is impossibly difficult to understand the real living conditions in the USSR.

Examples. One-third of Soviet hospitals do not have running water. Hospitals! The living space of many mil-

Mr. Lubin is a scholar of Russian language and literature, based in Cambridge, Massachusetts.

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Dining In Moscow

ON A BRIEF visit to Moscow as part of Secretary of State Baker's press entourage, I wanted to see whether *perestroika* had modified the fabulously shoddy service and inedible food of restaurants in the Soviet capital. In the process, I observed a nascent free-enterprising Russian frustrated by the seventy-year-old Bolshevik state and openly complaining to me about it. It raises questions broader than how to get a decent meal in Moscow.

That more limited problem was posed when the Secretary of State's traveling party arrived in Moscow at mid day. Baker was whisked away to his first closed-door session with Foreign Minister Shevardnadze, leaving the reporters to their own devices for lunch. Many availed themselves of hamburgers, milkshakes, and the like at the U.S. Embassy compound.

I decided to try dining at the hotel where we were staying, the gloomy Ukraine, a Marxist-gothic creation of Stalin's favorite architect, who defiled the skyline of Moscow and Warsaw with nearly identical monstrosities. Dark and dusty guest rooms are distinguished by unused refrigerators that cannot be turned off but periodically roar and gurgle through the night. General Edward Rowny, a veteran arms-control advisor accompanying Baker, also was staying at the Ukraine on this, his 34th visit to Moscow. Never before, he told me, had he encountered worse accommodations than were offered now, in the midst of *perestroika*.

The Ukraine's ample dining room was barely a quarter full when I entered at 12:30 P.M. Waiters, waitresses, and a woman I assumed to be a maitre d' pointedly ignored me, so I took a seat at a table for four—the smallest available.

The menu was copious, with convenient English translations, and I sought dishes I thought could not be mangled too badly. Chicken soup to start. "With chicken or with egg?" asked a buxom young unsmiling waitress. I chose chicken. What about smoked fish for the entree? "Not have," she replied. When I asked what she did have, it turned out very little—maybe one-fifth of the menu's offerings. What is "chicken tabaka"? "Fried chicken, very good," she said. Suspecting no similarity to Colonel Sanders's version, I ended up ordering broiled fish.

A huge bowl of the "with chicken" soup arrived, containing a dark, bony entity that one day might have been a piece of chicken. Not only was it obviously inedible; it provided no flavor to the watery soup, as but one spoonful demonstrated.

At this point, with the dining room filling, three people were seated at my table—a beefy Russian, his wife, and a delicate little man in a well-tailored Western suit. It was my good fortune to be the uninvited guest at a business power lunch hosted by one of Gorbachev's new Soviet entrepreneurs.

The Russian and his wife ignored my presence as, in English that was not nearly as smooth as he thought, he made his pitch to his dining companion: a joint venture supplying spare parts for office computers and word processors.

"We are professional, verrrry professional," he said. "No problem. We have good spare parts. Good distribution. Excellent. I tell you professional, professional. No trouble. Make good joint venture. People surprised how professional." His prospective partner, stealing nervous glances at me, was unresponsive. He said so little it was hard to catch his accent, but I took it to be German.

The Russian's soliloquy was interrupted from time to time by his flamboyant but unsuccessful efforts to attract a waitress. He was ignored. Embarrassed by the lack of the Soviet professionalism he claimed for his spare-parts operation, the Russian suddenly turned to me. "You see, you see," he said, gesturing to a pack of idle waitresses, chattering with each other in a corner, "that's what's wrong with this country!" These words were pronounced in a loud voice in a crowded public room in a police state. That's *glasnost*, I guess.

My companions might never have been able to place their orders had not my waitress arrived with my en-

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lions of Soviet citizens is less than the *minimum*—according to law—allowed in federal *prisons*. The infant-mortality rate in the Soviet Union has been rising, and no wonder. *Literaturnaya Gazeta* has reported that in Turkmenistan many new mothers survive on tea and bread.

Western correspondents—many of whom never really learn Russian—are fond of reporting how chic some women in Moscow now look. True. But they overlook the fact that most Soviet women possess only two or three dresses. A famous Soviet economist (I will not name him) asked me to bring him from America . . . razor blades. In Moscow, I went with him to one of those exclusive, hard-currency-only shops, hoping to buy his wife some high-heeled shoes. They didn't have any.

One last example. You know how the Russians love *kolbasa* [sausage], and for Russian cats it always was a great delicacy. But the quality of *kolbasa* has become terrible—it hardly contains real meat. So recently *Literaturnaya Gazeta* asked its readers to test *kolbasa* on their cats. In hundreds of letters readers replied: The cats sniffed the Soviet sausage, and walked away.

LUBIN: It often sounds as though they—the rulers—are trapped in a nightmarish labyrinth, and do not know how to get out. What *should* they do, what *can* they do with the economy?

BIRMAN: *Should do* to me is clear—build capitalism anew. But *can* they is another question. There are several groups of problems. The first problem is *ideology*. Even now the regime cannot admit that the very purpose of the October 1917 *counterrevolution* (which overturned the February democratic revolution) was, at best, an honest but very tragic mistake. You cannot abandon the faith entirely and overnight. The society is already in the process—a most difficult process—of subverting the ideological basis of the whole system.

LUBIN: So the essential question remains a practical one—how to carry out this change of heart in real life, once the ideological obstacles are overcome?

BIRMAN: Exactly. Gorbachev, the master of the country, keeps emphasizing socialism but step by step allows the meaning of the word to change. Many apply the word "socialism" to such countries as Sweden and even Switzer-

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tree. "Oh, mistake," she said immediately. "I bring chicken tabaka." I allowed that, true enough, I had ordered fish, but I would accept the chicken anyway rather than require her to take it back to the kitchen. She flashed an attractive gap-toothed smile for the first time, thanked me, and took the orders of the others. "Please, not much for me," pleaded the German. The Russian ordered borscht for all three.

It was a wise choice. The chicken tabaka looked like nothing Colonel Sanders could conjure up in his worst nightmares. Fried it might have been, but the scrawny chicken breast had no crust, only a hard greasy covering. As I cut it, a foul odor assailed me. I am a clean-plate man, priding myself on being able to gobble up atrociously exotic fare foisted on me from Vietnam to Iraq.

Not this. I had more than met my match. It was inedible. The sharp, pungent taste matched the odor. I made do with the sliced onion on the side, some bread, and mineral water.

The Russian continued his spiel about "professionalism," but with obviously less enthusiasm and still no borscht. His repeated shouts to the waitress as she passed the table were finally answered by a shouted, obviously angry response from her. With that, the spare-parts man rose and stalked out of the dining room.

I could no longer contain my curiosity, and asked the Russian's wife: What did they say to each other?

"He said, 'This is terrible. We wait for thirty minutes.' She said, 'You complain too much. Now you wait for forty minutes more.' "

He soon returned. Silence pervaded our little group—no talk of business, no claims of "very professional." But his apparent appeal to higher authority must have worked. A few minutes later, the waitress—sullen, flashing no gap-toothed smile—arrived with three bowls. As I left, the three were silently eating their borscht.

There was not much time for dinner that evening, but Steve Hurst, an old Moscow hand who is CNN's bureau chief there, invited me to dinner at one of the new *perestroika*-spawned "cooperative" (the euphemism for privately owned) restaurants that are proliferating in Moscow.

My partner, Rowland Evans, had dined at one of the early cooperatives last year. He found it incomparably better than the state restaurants in both food and service, but expensive and barely passable by Western standards—matching the consensus of other visitors. My experience was quite different.

Hurst selected a Georgian restaurant called U Persomany. It was small and crowded, with resident and traveling staffs of the *Wall Street Journal* and *Newsweek* taking one table each (prompting somebody to mention that the U.S. briefing ought to be moved here).

What a difference from the Ukraine! It was immaculate, the maitre d' and the waiters were attentive, and there was a pleasant view of the Novododevichy Monastery and a pond outside it. But the real contrast was the food.

Our table was heaped with a Georgian smorgasbord of a dozen dishes—seafood, pickled meats and vegetables, something that looked but didn't taste like a blintz. Then came waiters with more dishes—veal, fowls. With wine brought along by my host, it was a magnificent feast, made all the better by a violinist and pianist. This was not just good dining for Moscow; it would be three-star in London, Paris, Manhattan, Beverly Hills, or Palm Beach.

The contrast between the Ukraine and U Persomany is not just the difference between a good and a bad restaurant. They are different in kind, and therein lies the contradiction of *perestroika*. As private-sector enterprises proliferate, the socialist sector is all the more unacceptable. But what else is the private sector but capitalism?

I think back to that harassed Russian businessman—trying to impress his German guest, outraged by the arrogance of the waitress, embarrassed by my presence. He is finding himself unable to tolerate a slovenly, socialist Moscow, where an entrepreneur selling shrunken lemons can immediately trigger a line on Gorki Street outside the pathetic department stores. "That's what's wrong with this country," he had told me in frustration. Where does it end? —Robert Novak

land. Recently, *Literaturnaya Gazeta* tried out on its readers a question: "Is America a capitalistic society in the full sense of the word?"

Lubin: They are trying to redefine capitalism as well?

Birman: Sort of. Everyone knows that we live much, much better, so you have somehow to explain why capitalism has turned out to be much better than socialism. But if capitalism is better, and Marx was wrong, and Lenin and the Bolsheviks misled the country, and tens of millions perished in vain, then the Communist Party should be forbidden, and so on. For you and me these are clichés, but imagine a religious man who has to recognize that his god cheated him and led him to hell.

Lubin: So what are the ideological struggles now going on?

Birman: The Soviet leaders are desperately trying to say that there is another form, another model of socialism, a "true socialism," and that both Marx and Lenin called for that "good socialism." The basic problem of Marxism is the inability to get beyond the ideas of exploitation and of the horrors of private property.

Now, they admit the huge advantages of a *market* system, but they talk about a "socialist market." Incidentally, such Westerners as Galbraith, Wassily Leontief, and Alec Nove warn them not to *overestimate* the role of the market mechanism—the USSR should not lose at least some of the advantages of central planning. The most crucial concept here, however, is this idea of a "socialist market."

Lubin: Which sounds paradoxical. Can you explain what it means?

Birman: The proponents mean a "market without private property." This is an attempt to have an unnatural hybrid of the market with socialist—state—property.

Lubin: Let's make clear the critical distinction between "private property" and "personal property." Personal property is that which you hold for your personal use and enjoyment. "Private property" in Marxian ideology is that which can be used for the "means of production." There is, of course, considerable "personal property" in the Soviet Union—apartments, cars, and all the money in the state savings banks.

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BIRMAN: Quite right. About half the population does own its living quarters, and there are about 15 million cars. But these are not used as the "means of production," for which you "exploit" some hired labor.

LUBIN: What about using your car as a taxi? Renting out your flat?

BIRMAN: That used to be unheard of. In any case, the Soviets are now trying to establish "cooperatives" or "collectives."

LUBIN: A term which should not be confused with "collective farms."

BIRMAN: No. The idea is the same, but in real life collective farms (*kolkhozes*), though formally independent, were run by the state and obeyed detailed orders. These new collectives are much freer, but they still cannot own the "means of production"—they must rent. There are other rules: the collective's "owners" cannot simply hire others, but must actively work in the collective themselves. One family cannot by itself constitute such a collective. One exception is farming—a family can now use rented land or machinery, but cannot hire outside labor.

LUBIN: These new enterprises signify, I take it, a groping toward rudimentary capitalism. Can the spirit of entrepreneurial activity be taught?

BIRMAN: Yes, but this is still groping, and on a very small scale. And it will be capitalism without capitalists. This, a market mechanism without capitalists but with collective ownership, has been tried in Yugoslavia. No success! So even if Gorbachev's reforms are implemented as they were proclaimed, the country is doomed.

LUBIN: Lenin and other revolutionaries used to speak of the Party as being in the vanguard, as leading the people. Might it be possible for the current government to be "in the vanguard" of capitalism?

BIRMAN: Not the current "government." Other leaders must come. You cannot expect Comrade Gorbachev and the other main leaders to call for capitalism. But you lead me to the second group of obstacles, which is the attitude of the population. In a sense, people are *not* mentally or professionally prepared for this leap into capitalism. In my 15 years here, I have discovered that Americans are not genetically different from Russians. By the way, I have met here many people who hate competition—including economic competition. But the overall American system, the cultural habitat, pushed people to be entrepreneurial, to try, to risk, to rely mostly on themselves.

And as far as I can judge, if your neighbor is successful, you think: I can do better. In Russia there is a different attitude: if your neighbor is more successful, you complain to the authorities that he is . . . *lovkii*

LUBIN: Cunning.

BIRMAN: Yes, too shrewd. If he were honest and upright, he would *not* be successful.

Another aspect of the same problem is that people do not trust the regime, and are afraid that if they jump in and become entrepreneurs, the government may—tomorrow morning—expropriate whatever they make. So why bother?

LUBIN: Like letting a hundred flowers bloom in China?

BIRMAN: Precisely. Another thing is that even if you earn rubles, you have nothing to spend them on, for yourself or your business. Again, if there is nothing to buy, why bother?

LUBIN: Let me return to the basic question. Could the Party dismantle the system? What sorts of disruption would it cause? For example, I have read that the modest measures now under consideration would throw 15 million people out of work. This might terrify the populace, and make them wary of reform.

BIRMAN: First, that 15 million is what? About 10 per cent of the total workforce. Not a tremendous percentage. Second, it will happen over some years. More important, that figure indicates how many people would be released from government-owned enterprises and organizations. The hope is that many of them will join, or form, cooperatives.

LUBIN: How is that possible—how can people with no such tradition become self-employed?

BIRMAN: Now you lead me to the third type of obstacle: difficulties of practical transition. However hard it may be to transform people's minds, to allay their suspicions, it is infinitely harder to *restructure* the economy. It involves replacing huge industrial mammoths employing tens of thousands, with small, modern, high-tech operations.

LUBIN: Does the country possess the kind of people skilled in modern technology who could start up, say, a high-tech company?

BIRMAN: I would think that on the average, the Soviets are smarter than the Americans. Otherwise they would not survive their dreadful system. I am only half joking. Look at the émigrés. Aside from the Rostropoviches and Solzhenitsyns, every major American university now has at least one Soviet émigré on its mathematics faculty; the best schools have more. As to entrepreneurial activity, there are dozens of millionaires among us—doctors, programers, businessmen. To repeat—we are not genetically inferior.

LUBIN: Perhaps America does not need another successful competitor. That scientific base is worrisome—especially if young Soviet citizens grow up playing chess and

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studying, rather than listening to rock music and playing Nintendo. Perhaps we should wish that a defanged Russia would continue to be inefficiently run.

BIRMAN: Put this question to somebody else. I am an economist, not an educator.

LUBIN: Let us assume that you, Dr. Birman, have been appointed the Soviet czar. What would you do?

BIRMAN: First of all, I would move decisively to further the political democratization of the country, and begin by permitting other parties and moving to a much less centralized system of government. Instead, Gorbachev is steadily strengthening his own dictatorial power.

LUBIN: This is what Sakharov has been warning about in recent speeches?

BIRMAN: Yes. Although some people think that only Gorbachev can overcome the bureaucratic obstacles to putting the economy in order.

LUBIN: Do you think Gorbachev knows or cares?

BIRMAN: I don't know, though recently in Paris he insisted that his two roles—as head of the Party and head of the country—are both necessary. However, we should not deny there are countries which can possess both totalitarian or authoritarian political arrangements and free-market-type economies. Nazi Germany was an example. Some Asian economies exhibit the same features. Gorbachev can remain the master, but he ought to give more economic autonomy to the levels under him.

He has a unique opportunity—to keep his personal, supreme power intact while giving more decision-making authority to other levels without which a market-type economy is *impossible*.

Until Gorbachev stops imposing "socialist market" concepts no real leap is possible. What I mean is, you must permit private property to be used for the means of production. You *cannot* have a true market without capitalists.

LUBIN: Or without capital. And where will they get that capital, if Western businessmen are discouraged by the inability to repatriate profits in hard currency?

BIRMAN: Fortunately, one of the biggest problems of the economy is that people have too much money. The government has paid people more than it produced in goods. They couldn't spend their money—they had to save. The entire population now has in savings at least five hundred million rubles—more than a year's income. This money puts tremendous pressure on what is available. Goods disappear immediately; the shelves are empty.

How to soak up personal savings? If they sell land to peasants, and sell rented apartments to their residents, sell equipment to entrepreneurs and permit them to be capitalists, well then . . .

LUBIN: Is it conceivable that along with permitting collectives the government might sell off some state-owned enterprises to their workers? To groups of entrepreneurs? Even to foreigners—or perhaps I am dreaming.

BIRMAN: The sooner, the better. That is exactly what I would do if I were in Gorbachev's place. I'd sell off—privatize—whatever I could. The system has proved that central planning does not work. Every day of government planning of the economy makes things worse.

LUBIN: What role, if any, should be played by Western governments or Western businessmen?

BIRMAN: Here is my modest proposal for Gorbachev. Don't bargain about each rocket or tank division, and these damned submarines that, being of true Soviet quality, leak anyway. It would be much better to proclaim that all military enterprises will be closed, with a very big lock—as we say in Russian. And permit every sort of foreign inspection. Existing Soviet weapons are more than enough to defend the country. Then Comrade Gorbachev should come to Congress and say: "You authorize $100 billion annually for new American weapons. Stop the waste. Cut it completely and give me half, in order to save my country. We both come out ahead."

But I agree with Sakharov—until we are sure that the country is on its way to true democratization, until we are sure that this is irreversible—we should not give credits and help otherwise. As a taxpayer I do not want my government to give money to the regime. The men in Peking have demonstrated once again you should not trust Communists.

LUBIN: You might summarize your recommendations to Gorbachev.

BIRMAN: To repeat: 1) Lessen your own powers; delegate to lower levels. 2) Permit property for the means of production. 3) Sell off government property—land, factories, machinery—to the people, collectives and individuals. 4) Stop all armaments manufacture.

Here in America, if your neighbor is successful, you think: I can do better. In the Soviet Union, you think, If he were honest and upright, he would not be successful.

LUBIN: Is it likely that the regime will heed any of your recommendations?

BIRMAN: I'm afraid it is not too likely. Yet I have my hopes. A year ago, I would have bet my life there would not be such an event as the recent Congress of People's Deputies. But there it was: Sakharov criticizing Gorbachev, Vlasov attacking the KGB—on *national television*. So once again I could be wrong and I would love to be wrong, because the economic system is going, I fear, to collapse.

LUBIN: Is it inevitable?

BIRMAN: It is coming. It is not on the horizon, it is on the threshold. My last hope is that the desperate economic situation either will force Gorbachev to turn decisively or will bring out forces within society that will replace him with people willing and capable of building capitalism.

A final story, now making the rounds in Moscow: One fine day, early in the morning, everyone in the Soviet Union will wake up to Radio Moscow's broadcast, and hear these words: "Comrades! The historic experiment which began in our country on the night of October 24–25, 1917, has now been completed. Good morning, ladies and gentlemen!" □

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ACADEMIC FREEDOM

The New Left Vigilantes

Like generals gearing up to fight the last war, academics are ever on the alert for reincarnations of their old enemy, Joe McCarthy. They should be turning their gaze on their own ranks, where leftover New Leftists are doing their best to undermine true academic discourse.

JOHN P. ROCHE

SINCE I MET my first class as a graduate instructor at Cornell in February 1947, I have seen a number of odd developments on American campuses ranging from panty raids to the election of a monarchist as the student-body president at the University of Maryland. As a dedicated follower of the Preacher, I have chuckled over recurring intellectual vanities. On my first trip around the academic cycle I labored manfully to create a "core curriculum"; on my second, I was equally vigorous in dismantling one that had evolved into a faculty full-employment gig. In short, I have never been an apocalyptic.

However, over the past decades there has been a development in American higher education which I find profoundly disturbing: the widespread threat to academic freedom from allegedly "radical" lynch mobs *within* the groves of academe. Forty years ago I considered Senator Joe McCarthy an unprincipled demagogue, but I never accepted the view that he was the sponsor of a reign of academic terror. If anything, the extent of academic freedom increased because of the concerns aroused by the antics of McCarthy, the House Un-American Activities Committee, and various state roadshows of the same ilk. The total number of people jailed under the Smith Act for conspiring to teach and advocate the violent overthrow of the government, or for contempt of Congress, was 140. McCarthy contributed nothing to this total.

I have discussed the "Mythology of McCarthyism" elsewhere (*Academic Questions*, Spring 1989) and only raise it here because it illuminates my key proposition: since World War II the most significant threat to freedom of ideas on campus has come not from without, from federal, state, or private assault, but—and increasingly since the "Cultural Revolution" of the late Sixties—from within, usually instigated by ex–New Left professors trying to regain the illusion of a revolutionary virility.

Mr. Roche is the Olin Professor of Civilization and Foreign Affairs at the Fletcher School of Law and Diplomacy.

The late Sixties, culminating in the Cambodia/Kent State/Bobby Seale orgy in the spring of 1970, saw the development of a relationship between student disrupters and school administrators/faculty which was almost as tightly choreographed as a Russian ballet. Some students would demand that the university fund, say, a "Third World Center." The mock-heroics that followed brought flocks of bored young romantics out as spear-carriers, particularly since the TV wagons were on hand.

While the normally inept president or dean was trying to discover what a Third World Center involved, a building (preferably the president's office) would be seized and declared a "Liberated Zone," and ten "non-negotiable" demands would be made. The authors—as a number of them cynically admitted at the time—looked on these as a joke, but suddenly faculty meetings became guilt rap-sessions with the most improbable assassins admitting they had killed Martin Luther King or condoned American militarism and imperialism.

TO SHORTEN a long story (and a tragic one if you cared about the essential nature of an educational institution), throughout the nation's "elite" schools a coalition of administrators and faculty developed pre-emptive capitulation into an art form. But the overwhelming majority of faculty and students never got involved. Generational solidarity kept student bodies from repudiating the nihilists, and the bulk of the faculty said: "Their demands are nonsense, but as long as they leave me alone give them what they want." After my office was firebombed I sensed that a number of my Brandeis colleagues thought it was a shame, but after all Roche brought it on himself by supporting the Vietnam War.

The Great Cultural Revolution imploded when President Richard Nixon abolished the draft. Suddenly, self-anointed student leaders found themselves out in the cold. But despite the essential inability of student activists to do more than discredit traditional American liberalism and

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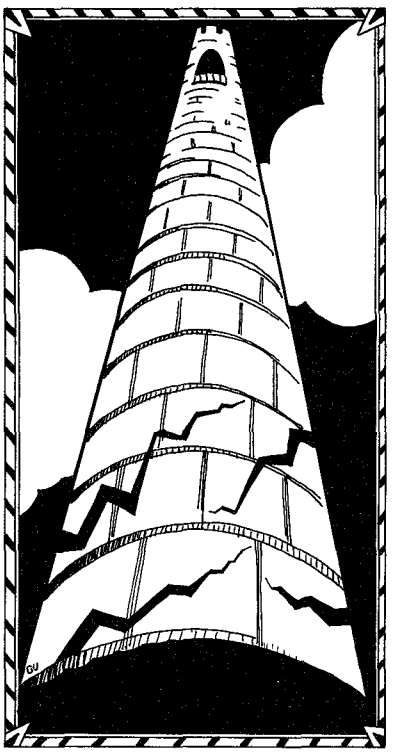
serve as recruiting-officers for the Republican Party, they were extremely successful at spotting the soft targets in the "Establishment," notably churches, universities, and guilt-ridden WASP foundations.

When the New Left meltdown occurred, a number of extremely bright young men and women found themselves without an audience for their millenarian message. For a while they salved their egos with the certainty that the masses were suffering from an attack of false consciousness; eventually a number of the brighter ones headed for the sanctuary of the academy via the PhD route.

They were (and remain) big on "new perspectives," which meant that much of their material was speculative. In the course of writing a book on Marxism–Leninism I read three or four PhD dissertations prepared in the Seventies on Marx and found them all to be variations on kindly Karl, the caring social worker. Inevitably the authors got their heavy scholarly metal from the *German Ideology*, the *Paris Notebooks*, and the *Grundrisse* and virtually ignored the *Manifesto* and *Capital*. This, comrade (as they say in Tirana), was no accident: the authors—for Engels was Marx's co-author on virtually everything after 1845—of the latter works spent no time weeping for the wretched of the earth. The misery of the peasant and the proletarian was a necessary historical precondition for the coming of socialism.



Moreover, aside from a few friends and negative publishers, the *German Ideology*, Marx's last burst of Hegelian *Schmaltz*, was unread until it was published in the Soviet Union in 1932. The *Paris Notebooks* and *Grundrisse* were published even later by the Moscow Institute. The point is that PhD dissertations allegedly on the impact of Marx turned out to be centered on "What Karl Marx, the New Leftist of the 1830s and '40s, *really* believed"—a quest for a useable past.

By the 1980s a substantial number of these quondam Robespierres had tenure, and, with a talent for "networking" that a clinician of elite theory can only admire, the colonization process began. The New Left academicians fine-tuned the practice of academic incest—establishing (as I discovered in my research on Marx) a gaggle of little journals in which the initiates publish interminable exchanges, and score Brownie points to endrun any "publish or perish" requirement. They may have been mushy on Marx, but they certainly had absorbed Plato's sophisticated advice on how to achieve and maintain "guardianship."

One problem remained: while they were tenured, well-paid, provided with quasi-private journals, and permitted to organize their own covens at meetings of professional societies, they had no troops. College students took their courses, often enjoyed their excoriation of whatever Establishment was under analysis, but showed no group interest in manning their barricades. Well, that could be remedied: first, it didn't take many students to tear up a campus because (as they had learned in the Sixties) the administration/faculty would flee the commanding heights the moment the first blank was fired. (Just be sure the TV wagons are on the scene.)

Those of us who were student activists in the Thirties and Forties accepted the tradition that violence on campus was a fundamental breach of academic freedom. A professor of literature might be a supporter of the Nazi–Soviet Pact and an apologist for the Moscow Trials, but you didn't break up his class or try to get him fired for his extramural beliefs. If he dropped Chaucer to explain in class what a statesman Stalin was, one could protest unprofessional behavior (not heresy) to the dean. We would picket, and ask hard questions if possible; we would never have tried to lynch him or shout him down.

To the Sixties activists this form of restraint was moral cowardice. Obviously, to paraphrase an eminent conservative, we did not realize that extremism in the cause of justice was no vice. To permit me to give a speech supporting the defense of South Vietnam was to condone, if not provide overt support for, my views. Academic freedom thus became an invidious excuse for perpetrating immoralism. In addition, the academic thought-police had to forestall "occasions of sin" by barring seductive immoralists (CIA recruiters, Contra spokesmen, et al.) from contaminating innocent minds.

The New Left cadres have never abandoned their dream of an elect vanguard that can, by violence if necessary, purify the academic world and save "personkind" from false consciousness, from the obscene temptations of self-interest. Dostoevsky's Grand Inquisitor now has a PhD in sociology and campus minions sniffing out racism, sexism, imperialism, and related crimes. Their activities—even though many have clearly broken the criminal code—have been generally ignored by a public which tends to consider all ideologues marginal wonkos.

One might logically expect faculty action to counter the inroads these *squadristi* have made on academic freedom, but for reasons too complex to explore here professors today have functional rather than institutional loyalties and avoid school administrative work as a drag on their intellectual creativity. (I discovered as a dean that the one way to fill the hall for a faculty meeting was to put "parking fees" on the agenda.) As a consequence, the activists operate in an authority vacuum.

In sum, the current assault by New Left vigilantes constitutes the most serious threat to academic freedom since World War II, one far less visible to the general public than the congressional search for "subversives." That the New Left was never organizationally cohesive never diminished its capacity for diffuse nihilism. It would be absurd to exaggerate the "chilling effect" of the forays against unrighteous speakers, faculty, or student organizations—but those who cherish the integrity of higher education should worry as much about this pervasive internal threat as they ever did about loud-mouthed outside pressure. □

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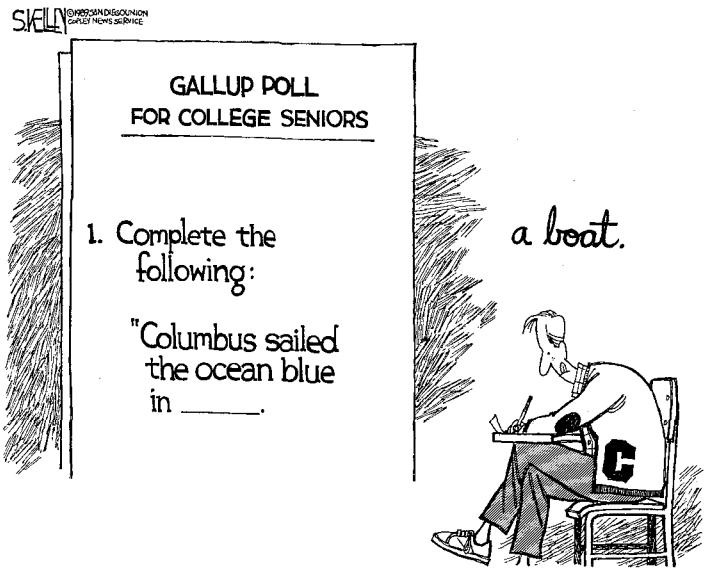
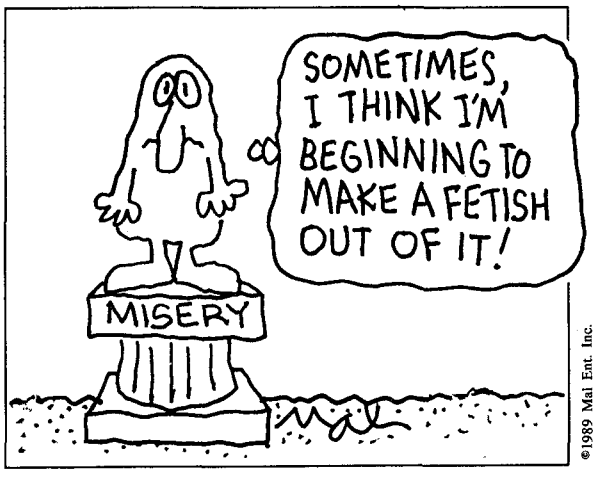


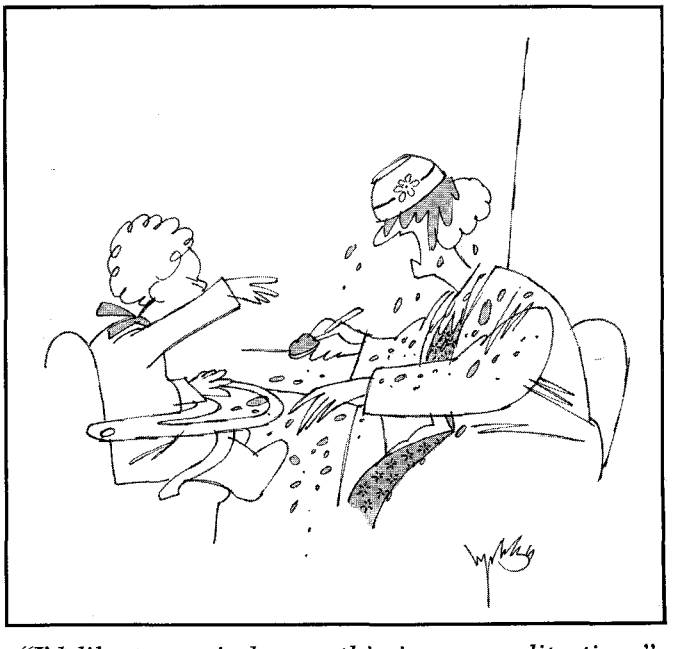


Donald Trump et Al.

They buy, not for the business, but
  To gut it later on
By selling off its better parts
  As personnel turn wan,
For, floated on a sea of debt,
  Such companies respond
Like Robert Louis Stevenson's
  Leaf boats upon a pond.

W. H. VON DREELE

"Less sugar. Less spice. Less everything nice."



"I'd like to remind you—this is our quality time."

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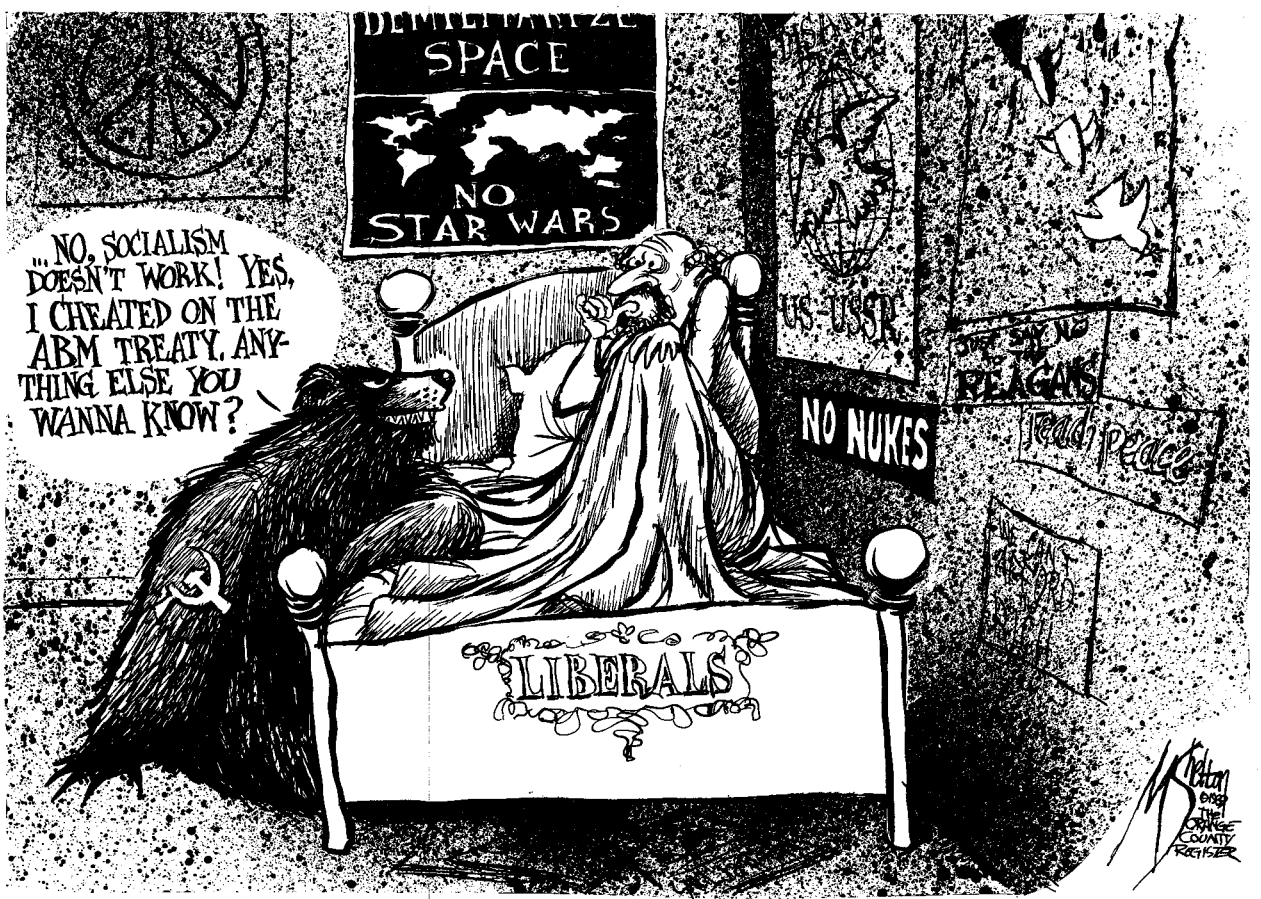

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Lincoln's Tragic Heroism

THOMAS FLEMING

ABRAHAM LINCOLN was the nation's tragic hero. No American has ever climbed over so many obstacles to rise so high; none has fallen so precipitously at the moment of his triumph. In the nearly 125 years since his death, Lincoln has become the suffering servant and the man of sorrows of American civil religion.

The Library of America's two volumes of President Lincoln's speeches and writings provide an opportunity for the ordinary reader to reassess the great man's career. There is little enough to be said of the edition itself. The editor has relied almost exclusively on Basler's edition (1953–55, 1974), supplementing it in only a few places. The notes are helpful, although hardly adequate: cryptic references to unnamed figures are almost never clarified, and a deliberate effort has been made to gloss over the evidence of Lincoln's hardball politicking. Like all the books in this series, these volumes are well-bound, well-printed, and affordable.

Abraham Lincoln: Speeches and Writings, edited by Don E. Fehrenbacker (Library of America, two volumes, 1,684 pp., $35 per volume)

Of Lincoln's humble origins, his hard work and dedication, most Americans have learned in school. A point that is not sufficiently stressed is the high ambition that Lincoln conceived from an early age. From the beginning of his career, it seems, Lincoln saw himself as a man of the people, born to greatness. In his passionate eulogy of Henry Clay, Lincoln holds up his fellow Kentuckian as a mirror in which to see himself: "Mr. Clay's lack of a more perfect early education . . . teaches that in this country, one can scarcely be so poor, but that, if he will, he can acquire sufficient education to get through the world respectably."

By "sufficient" Lincoln meant the bare minimum, since, even by recent presidential standards, he was anything but a man of learning—which is not to say he didn't try to give a somewhat different impression. In one of his earliest significant public performances, the 1838 "Address to the Young Men's Lyceum of Springfield, Illinois," he reaches for the lofty tone of the philosophical statesman. While the young politician obviously had a long way to go—the style is both clumsy and highfalutin—his concern for order and obsession with the heritage of the Founders reveal clearly that, even at the age of 29, he knew where he was going. Many a politician since Cicero has realized that the road to power is paved with conspiracy theories, and Lincoln found his threat in the various disruptions that seemed to indicate a growing contempt for law. Lincoln may have overestimated the danger of "mobocracy"; but his speech gives early evidence of his argumentative powers. His refutation of the case for what we now call civil disobedience, employed by liberals like Herbert Storing in opposing the tactics of Martin Luther King Jr., is well worth quoting: "By the operation of this mobocratic spirit . . . the strongest bulwark of any government, and particularly of those constituted like ours, may effectually be broken down and destroyed—I mean the attachment of the people." It is a sentence that has been rightly censured for its syntax but one that should be read and reread by the Sixties rioters who so often invoked the name of Lincoln.

If Lincoln's diagnosis of the American situation in 1838 was typical of his career, so was his fear that "men of sufficient talent and ambition will not be wanting to seize the opportunity, strike a blow, and overturn that fair fabric." Taken seriously, there is more than a hint of paranoia in the suspicion that some Alexander, Caesar, or Napoleon was waiting to overthrow the Republic. But twenty years later, in the "House Divided" speech given in the same city, Lincoln declared that he had unmasked a plot involving his rival, Stephen Douglas, who had been conspiring with the Justices of the Supreme Court and two Presidents to impose slavery on the United States.

Even more revealing in Lincoln's "Lyceum" speech is the views he held of great men. While there are great and good men who are content with a seat in Congress, "such belong not to the family of the lion, or the tribe of the eagle. . . . Towering genius disdains a beaten path. . . . It thirsts and burns for distinction, and, if possible, will have it whether at the expense of emancipating slaves or enslaving freemen."

It is difficult to believe that Lincoln, whose favorite literary characters included Macbeth, Richard III, and Hamlet's uncle, did not regard himself as belonging to "the family of the lion." But the mid nineteenth century lived in the afterglow of Napoleon, and it was not just the young men in Stendhal and Dostoevsky who thirsted after glory.

Ambition exacts a price. Lincoln clearly thought of himself as a man of high principles, and—to a greater extent than most politicians—he was. But time after time in his career he found himself in the awkward position of defending or justifying routine political actions that conveyed some slight savor of chicanery. Elected to Congress with the understanding that the Whig leadership in Illinois would rotate the position among themselves, he could not avoid intriguing for a second term: "I could not refuse the people the right of sending me again," he explained to his law partner, William Herndon. He and his allies were more polished in the maneuverings for the Republican nomination in 1860. The convention should be held in Chicago, the Lincoln men argued, because Illinois had no candidate to offer! Even better is Lincoln's response to a Kansas politician offering some

Mr. Fleming is editor of Chronicles: A Magazine of American Culture.

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kind of deal. While deploring the influence of money in politics, he concedes "but for certain objects, in a political contest, the use of some, is both right and indispensable. . . . If you shall be appointed a delegate to Chicago, I will furnish one hundred dollars to bear expenses of the trip."

The most disturbing episode in Lincoln's early career—his broken engagement with Mary Owens—sunk him into a fit of depression and ill health. The most charitable explanation that can be given for his conduct is that he felt himself torn between his ambition, which told him to marry a rich girl, and a sense of honor compounded by his distaste for the lady whom he courted, engaged, and virtually jilted. After extorting a retraction of their engagement, he went on to justify his conduct by describing his fiancée (in a letter of 1838) as "a fair match for Falstaff" and with "skin too full of fat to permit its contracting into wrinkles." The editor, by the way, inaccurately reports this episode as if Mary were the defaulter, but what young woman could fail to understand a letter like this: "I want in all cases to do right, and most particularly so in all cases with women. I want, at this particular time, more than anything else, to do right with you, and if I knew it would be doing right, as I rather suspect it would, to let you alone, I would do it. And for the purpose of making the matter as plain as possible, I now say that you can drop the subject, dismiss your thoughts . . . from me forever."

In this unpleasant business, Lincoln displayed several qualities that were to serve him well in his political career. In the first place, he would not actually declare openly that he wanted to break it off, for that would invite a breach-of-promise suit. Second, even while injuring the lady, he protests his dedication both to what is right and to her interest. Finally, once he is rid of the danger, he responds with a sarcasm that is both coarse and mean-spirited.

It was only by talking out of both sides of his mouth that Lincoln was able to attract support from both abolitionists and old Whigs. But Lincoln's lack of candor was to get him into trouble in the Lincoln–Douglas debates. Time after time the wily Douglas was able to score off his opponent for refusing to answer direct questions on fugitive-slave laws and the acquisition of new slave-holding territory. In the first debate he refused to answer, and in the second he took refuge in his not having "pledged" himself to a radical position. Both Lincoln and Douglas were in a tight spot, since positions that might be popular in Freeport or Rockford were roundly condemned in the southern part of the state. But while Douglas took the occasion to proclaim his faith in popular sovereignty and manifest destiny, Lincoln alternately caviled and pontificated.

More ominous for the future were Lincoln's equivocations on the "House

Tim Bower

Divided" speech. Douglas accused him of fomenting revolution with his declaration that "this government cannot endure, permanently half slave and half free." Lincoln's feeble rejoinder, repeated several times, was that he was only making a prediction that anyone with common sense would make, to which Douglas replied that of the great crises that had threatened the Union, only one had concerned slavery. There is no doubt that most Southerners and many Democrats agreed with Douglas on his interpretation, and a repudiation of the offending phrases might have rendered Lincoln's election less alarming than it seemed to be.

Throughout his career Lincoln seems to have believed that a few well-chosen words of condolence, coupled with protests of good faith and honor, were sufficient to allay the fears of his opponents. Mary Owens was not impressed, nor were the Democrats. In this he resembles no one so much as his nemesis, Stephen Douglas, who thought he could hold the Union together by being all things to all people. What distinguishes Lincoln from the other political brokers of his time is a relentlessly Biblical rhetoric that is as powerful in its emotional appeal as it is empty of the political prudence that should characterize public deliberation. M. E. Bradford considers the "capstone" of his prosecution to be Lincoln's "habit of wrapping up his policy in the idiom of Holy Scripture, concealing within the Trojan Horse of his gasconade and moral superiority an agenda that would never have been approved if presented in any other form."

Lincoln's style was not always the language of Isaiah. When thwarted, he was capable of displaying a mean streak. The contempt he showered on Mary Owens had a political motivation: the letter justifying his conduct was addressed to the wife of an influential Illinois politician. The same excuse might be made for his description of Douglas as "the most dangerous enemy of liberty." But what explains his satiric verses on Lee, only two weeks after Gettysburg?

In eighteen sixty three with pomp,
and mighty swell,
Me and Jeff's Confederacy, went
forth to sack Phil-del
The Yankees they got arter us, and
giv us particular hell,
And we skedaddled back again
and didn't sack Phil-del.

It is hard to conceive of General Lee, or President Davis, or even Billy Sherman, giving way to such unseasonable glee on the occasion of such great carnage.

Lincoln's coarseness also comes out in the racial humor he used to prove that he was not a "Black Republican." Time after time he repeated the same joke, that simply because he did not want a Negro woman for a slave did not mean he wanted her for a wife. He also declared, repeatedly, that the best way to prevent race-mixing in the West was to keep the blacks—free or slave—out. A favorite project was the recolonization of American blacks into Liberia or Latin America, on the grounds that they were by nature inferior to whites. Unlike his poor white father in many respects, Lincoln does appear to have inherited the cracker hostility toward slaves and their masters. In this respect he re-

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sembles such other "abolitionists" of the time as Hinton Helper and Andrew Johnson, whose opposition to slavery was really hostility to blacks and envy of wealthy slave-holders. Lincoln, being a more humane man than most of the radicals, did not generally sink to their rhetorical level. He did, however, make a successful appeal to the same sentiments.

Lincoln's greatest virtue, for which he has been canonized by a grateful nation, was his dedication to the cause of the Union. Impatient with the historical agreement that nicely adjusted relations between sovereign states and the national sovereignty, contemptuous of the prerogatives of the Supreme Court, he saw the great sectional struggle as a simple case of right against wrong. In his superb Cooper Union address early in 1860, he put the issue squarely: If slavery is right, then the Southern claims are right; if it is wrong, then, while Northerners must tolerate its persistence for the time being, it cannot be allowed to spread. Politics, in this view, becomes a matter of conviction: "Their thinking it right, and our thinking it wrong, is the precise fact upon which depends the whole controversy."

On that intellectual theory of politics, Lincoln devastated a third of the country with war, including Sherman's total war waged against noncombatants, and an even more devastating Reconstruction that aimed at the destruction of the Southern upper classes. He also reforged the old federal Republic into a nation "dedicated to a proposition." That dedication has meant, in practical terms, Wilsonian crusades to save and extend democracy, the New Deal with its labyrinth of welfare entitlements, and the civil-rights revolution which now extends the status of privileged minority to fully three-fourths of the population: women, blacks, atheists, Hispanics, and now—with the Disabilities Act—the lame, the halt, the blind, and the perverse. Lincoln's success in saving the Union in spite of the Constitution was an act of heroism, but it is the tragic heroism of an Oedipus, the self-made man whose disdain for prudence and traditional piety involves his country in ruin.

It is fair, under the circumstances, to call the second father of his country to the bar and ask him—not the most obvious question: Was it worth it?—but the simpler question: Is it true that the political struggles of the 1850s were over right and wrong rather than over sectional competition, tariff rates, and party politics? Many Southerners disliked slavery as much as General Lee, and even more shared the "Pap Finn" attitudes of Tom Lincoln and Hinton Helper. Did such men really go to war to hold onto slaves they never owned, never wanted to own? Did the brave boys of Wisconsin and Iowa, many of whom feared and loathed the black man, leave their homes to fight a war to free the slaves?

There is, I think, at this late date in our history no doubt of Lincoln's greatness. He is our Julius Caesar, our Cromwell; and our estimation of his services depends a great deal on our views of the other great men who have fought civil wars and reconstructed nations. However, among conservatives who still refuse to seek salvation in the state, there ought to be room for a small remnant of doubters who prefer Cato to Caesar, Falkland to Cromwell, and the corrupt Stephen Douglas to the not entirely incorruptible Abraham Lincoln. □

How We're Gonna Keep 'Em

DOUG BANDOW

AMERICA was once an overwhelmingly rural nation, its heart the family farm, and today, although mostly urban, the nation still feels the pull of its agrarian origins. Indeed, city dwellers desperately seek new means to teach their children the values that came naturally from rural life: self-reliance and independence, honesty and industry, family and community.

Farm: A Year in the Life of an American Farmer, by Richard Rhodes (Simon & Schuster, 336 pp., $19.95)

The traditional family farm still thrives, though—at least, Tom and Sally Bauer's Missouri farm does, and Richard Rhodes, author of *The Making of the Atomic Bomb*, has written an entertaining and illuminating chronicle of a year in their lives.

The Bauers and their children manage more than a thousand acres. It is a hard life, and everyone pitches in. Although technology has made farming dramatically more productive over the years, it hasn't eliminated the long hours of work. The calves have to be castrated, and the hogs weaned. Soybeans need harvesting, and grain storage must be arranged. Machines won't run, and the weather won't cooperate. And always there are money problems.

But mixed in with the hard, often unpleasant work is bountiful satisfaction. The Bauers enjoy each other, their farm, and the community. Extended family ties are strong, in part because farming is a Bauer tradition. Tom's father was a farmer, and he hopes his children will be too. The sons are interested, so Bauer takes over operation of another farm "just in case . . ." The special allure of the land, so widespread when the nation was young, remains present for the Bauers. "You got so you knew every terrace, every row," writes Rhodes. "When [Tom] fixed something he could look back and see where it was and the whole history of it and he knew he'd made it work."

And then there is that sense of community, lacking in so much of urban America. Tom Bauer's neighbors have little time for self-conscious boosterism, but they are always ready to help one another. Even when he is in the middle of harvesting, Tom finds the time to help his friend Clarence castrate calves. In turn, Clarence drops by to help Tom pick corn.

Animal lovers may recoil from Mr. Rhodes's description of life on the farm, and most consumers would probably prefer not to know the details of how some of their food is produced. The castrations performed by Tom and Clarence are low-tech and messy, although the men aren't bothered by it. They discuss who will keep the

Mr. Bandow is a senior fellow at the Cato Institute, and the author of the forthcoming The Politics of Plunder: Misgovernment in Washington *(Transaction).*

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Lisa Haney

"seeds," which, Rhodes reports, are "greatly admired" by the locals, who annually host an invitational "Nut Fry." The calves and the hogs the Bauers raise exist for no other reason than sale and slaughter. Even pets can receive harsh treatment. When the dog Molly unexpectedly has pups, Tom decides to "thump" them, because he sees no room for four more mouths. For all the good one sees in Bauer, and through him in rural life, there is a disturbing hardness about him, a lack of sentiment.

There is also a kind of self-serving economic populism. Neither Bauer nor his neighbors like banks or bankers. In Bauer's view, the prices everyone else can command go up, while his often fall. In fact, Bauer seems to believe that just about everybody is out to get the American farmer.

But then Bauer happily gets a good deal at an auction at the owner's expense. He gets hog companies to bid against each other to raise his return, and he accepts the premium that grain-storage companies offer on government PIK (payment-in-kind) certificates. It seems the Bauers can be shrewd at business, but no one else is supposed to be.

Farming *is* a business, albeit not a very profitable one for the Bauers. In 1986, the year Rhodes spent with them, the Bauers grossed $152,090—one-third from hogs, and the rest from calves, grain, and federal support payments. Expenses seemed endless: feed, fertilizer, maintenance, insurance, seed, fuel, and on and on, for a total of $117,608. After income and Social Security taxes were paid, the Bauers cleared about $19,000. "Farming was a good life," Rhodes observes, "but it didn't make you rich."

Well, not Tom Bauer anyway. The weakness of *Farm* is its (perhaps unintentional) distortion of agricultural reality overall. Some farmers do get rich, many of them thanks to federal policy. Rhodes gives only the barest outline of the various federal programs, because his book is about people, not policy. Still, he does editorialize that a "government loan program wasn't a handout, wasn't farmer welfare. It was a trade-off." He fails to mention that the panoply of programs has cost the taxpayer as much as $26 billion a year, and $200 billion this decade. Some enterprises with crops such as cotton have collected $20 million in a single year; individual dairy farmers have received $10 million just to go out of business. Beekeepers collect hundreds of thousands. Sunflower growers, wool producers, and tobacco farmers all have their own expensive programs.

Tom Bauer has not been similarly enriched, because he is a small operator in a system that rewards overall production, and because his most important "crop"—hogs—is not subsidized. Just as well. Bauer is a little too independent to care much for the intrusions that accompany federal largesse. At the end of *Farm*, the Bauers pull most of their fields out of federal programs. "Tom knew one farmer who'd spent a full week doing the paperwork for *one* field. . . . He hadn't gone into farming to become a bureaucrat pushing paper."

And Tom Bauer is no bureaucrat. He and his family embody many of the values we Americans, city dwellers as well as farmers, hold dear. Reading about the Bauers makes one better appreciate the role the farm has played, and still plays, in the shaping of our national character. □

Sex Tips for Modern Liberals

ELLEN WILSON FIELDING

MAGGIE GALLAGHER, formerly *NR*'s article editor, has written a provocative book about the disastrous and sometimes deadly effects of denying mankind's "lust for gender." It has to be said, unfortunately, that some readers may be confused and even turned off by the opening chapter or two. Miss Gallagher has two voices: one flip and sophisticated,

Enemies of Eros: How the Sexual Revolution Is Killing Family, Marriage, and Sex, and What We Can Do about It, by Maggie Gallagher (Bonus Books, 283 pp., $18.95)

which she uses in the "sexier" opening chapters, the other more probing, more reflective, which dominate the body of the book. The first voice speaks the language of the best-seller, or rather the aspiring best-seller. But Miss Gallagher is capable of better things, and she delivers them in full measure.

Mrs. Fielding is a freelance writer living in Annapolis, Maryland.

Enemies of Eros cuts through the modern superstructure of self-delusion about the sexes and, unusually often, offers real wisdom. One of the best chapters opens with the Baby M surrogate-mother case and eventually widens out into reflections on the nature of motherhood and fatherhood, the distinctions between adoption and surrogate motherhood, and the limitations of legal contracts. Here is a sample:

> After all, marriage is a contract too. But Judge Sorkow in his long career on the bench hasn't shown the least interest in holding men and women to specific performance of that promise. . . . It is not merely that we think people ought to keep their promises, for the law lets people break their promises all the time. If Mary Beth Whitehead had been buying a car rather than selling her baby, she would have been granted 48 hours in which to renege on the deal.

The lawyer representing Baby M's father understandably defined parenthood not biologically but, in the modern way, as a matter of intention or choice: "Nobody," he said, "including

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RANDOM NOTES

■ TOAST OF THE TOWN: Like the Nobel, with its taste for obscure Third Worlders, the National Book Award has become less a literary prize than a token of liberal gratitude for meritorious service. In the past two years, awards have gone to an ominous account of the Manhattan Project, a novel about a group of white men who rape and murder a young black woman, an anti-Vietnam biography, and an anti-Vietnam novel. This year's nominees include, in the non-fiction category, an idol-worshipping biography of Martin Luther King, a history of postwar U.S. foreign policy entitled *Barbarian Sentiments*, and an "exposé" of British environmental policy. That's a tough call. Fiction is easier. In this category we find E. L. Doctorow pitted against Oscar Hijuelos and Amy Tan. Now, E. L. Doctorow is so venomous an America-hater as to have been condemned even by *The New Republic*. Hijuelos is Cuban—which may nudge him ahead of Doctorow, who, in any case, has already won a National Book Award. Amy Tan, though, is both an Asian and a *woman*. Despite the fact that *The Joy Luck Club* is her first novel, I'm putting my bets on her. Awards will be distributed November 29. Any takers?

■ HORROR OF CHAMBERS: Nearly forty years ago, when Whittaker Chambers first walked into Random House with the manuscript of *Witness*, Bennett Cerf, Random's long-time chieftain and a supporter of Alger Hiss, hesitated half a second before having him thrown out. In death, Chambers has been treated by publishers almost as roughly as he was in life. Whereas Hiss has been the subject of at least three book-length defenses, one sympathetic biography, and a memoir, Chambers's memory has been kept alive mainly in intermittently available paperback reprints of his two books.

To the rescue comes Sam Tanenhaus, a young literary critic, and—Random House. As it turns out, Cerf was eventually won over and ended up publishing *Witness* himself. Random has since abandoned its rights to the book, but recently decided to undertake a biography, to be written by Mr. Tanenhaus. The new book's editor will be Robert Loomis, an old left hand who admits he socialized with Hiss on a number of occasions during the Fifties, and whose last publishing triumph was *A Bright Shining Lie*, Neil Sheehan's villain-study of the American commander in Vietnam, John Paul Vann. It's a pleasant surprise to note that Chambers's first biographer will not be another Sheehan.

Tanenhaus read the first edition of *Witness* when he was 14. "What struck me about it," he says, "wasn't its politics." The provocative thesis of his book will be, as he puts it, that in his major works Chambers "wasn't so much a political as a literary writer, and that's what his reputation will rest on." Chambers himself discounted the importance of his early fiction and poetry; and it's been the conventional wisdom for years that he joined the Communist underground in 1932 only because he had failed as an artist. Tanenhaus will argue, refreshingly, that Chambers turned briefly to writing Party-line cheese, and later to what he expected would be a career in espionage, primarily as a way of escaping the torment of his brother's suicide. As for his approach to biography-writing, Tanenhaus says his purpose will be "to serve, not to expose" his subject, and cites as a model Richard Ellmann, the admirably modest biographer of Oscar Wilde and James Joyce. Asked why he thinks it's taken this long for a publisher to commission a book like his, Tanenhaus talks about the importance for contemporary liberals of toeing the "politically correct" line—in publishing no less than in any other field. "In a sense," he says, "Stalinism may still be with us."

■ WORLD OF BOOKS: Poor Robert Nozick. The libertarian Harvard philosopher's latest book hasn't been enthusiastically received, and in other connections he remains frustratingly less influential than his famous colleague, John Rawls. An associate reports hearing of a recent afternoon Nozick spent browsing with a friend in a Cambridge bookstore. The browsing came to an unhappy end after Nozick pulled down a textbook on American philosophers and turned to the index, looking for his name. "Nozick, Robert," it said, "see under Rawls, John."

—DAVID KLINGHOFFER

[Miss Whitehead], ever intended her to be the mother, so you're not terminating a mother." To make choice the definitive criterion for assigning roles once rooted in flesh is to deny the relationship between mind and body, spirit and flesh. This denial may be congenial to modern proclivities, but Miss Gallagher asks, "Am I wrong in sensing that this conception of parenthood is adolescent? One thing that makes young adulthood so tumultuous is the intolerable burden of being connected to people you did not choose. Though the burden of family may be far greater later in life, never before or after does its imposition seem so unjust."

Commentators on both sides of the Baby M case have compared surrogate parenthood to adoption. Miss Gallagher notes the crucial difference: "The surrogate mother, unlike the mother putting her child up for adoption, does not admit she has any special obligations to the child she bears; she does not even admit it is hers." Is this an attitude that society or the state should be encouraging, either actively or passively?

In the end, Miss Gallagher uncovers the central weakness of contract as the foundation for families: "The key party, the child, isn't a co-signer. Because there is no meaningful way for children to consent, the family imagined as a contract is tyrannically insouciant about the interests of children, in order to foster in adults the illusion of control."

Maggie Gallagher's account of the effects of no-fault divorce is equally unflinching. The social engineers of the Sixties and Seventies were at least accomplices in the murder of marriage as we know it, because "They never wondered what it would be like to get married, and yet know one's spouse could leave at any time. They never contemplated the anxiety of young men and women today who consider betting their futures in a game heavily weighted in favor of the unfaithful, the immature, the betrayer." The unfaithful, the immature, and the betrayer, having been invited to consult only their own convenience, have created one of the big political issues of the Eighties, the "feminization of poverty." They have also stunted the capacity of a generation of children to trust the promises others make to them or to make permanent commitments of their own.

Divorce not only deprives children of two full-time parents, it also tends

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to make each parent less good at parenting. This is obviously true in the traumatic early weeks and months after divorce, but it is still true to a lesser degree long afterward. Miss Gallagher explains that "marriage provides a structure for good parenting, and the structure often turns out to be more important than the individual temperaments, moral convictions, and abilities of the adults within it." Moreover, a society that permits no-fault divorce sees the family primarily as contingent upon love, rather than as a generator of love. "Love becomes, not the benefit a family provides, but its eliciting condition. I am under the protection of family only as along as I am lovable."

Enemies of Eros is provoking as well as provocative. Men may bristle at the author's opinion of their sex, and at her emphasis on the fragility of a father's affection for his children when he is no longer living with them. Maggie Gallagher argues the crucial importance of keeping fathers in families, but she is vague about what she believes should be their non-monetary contributions to child-rearing. And her opening chapters, which present her thesis that contemporary America is sexually repressed because it denies our "lust for gender," are rhetorically strained, though they express truths worth pondering.

But the subject of sex, which is usually a disastrous one for a writer to tackle "seriously," serves Miss Gallagher well. She has found an overarching theme linking feminism, abortion, marriage, family, and social engineering in ways that are fresh but not merely novel.

At the close of this book, the author ascends from "social issues" to a reflection on the relationship between Eros and sex:

> Sexual intercourse is but one way of attempting to satisfy, and frequently a poor one at that, the longing for union which Eros inspires. . . . Sex is a living pathway of connection, an intricate web of desire that begins with lust and ends not with orgasm but with children, families, communities, and nations. That ends, in fact, with love.

I don't know whether that's the kind of sex tip modern liberals want to hear, but certainly it is a kind of wisdom that modern men and women, whether they know it or not, could benefit from a great deal more of. □

ART

Art History 101

JAMES GARDNER

ART OF THE WESTERN WORLD, the glamorous new series on PBS, was created with many viewers in mind, but I was not one of them. For, with all modesty, I no longer need an introduction to the subject. To gauge the program's ultimate success, therefore, it will be necessary to apply to those who tune in to the series in a condition of relative unknowing. Will they feel, after all nine of the episodes have been aired, that they now know more about the subject than before? Will they look back upon this series, decades hence, as the occasion of their first opening up to a fuller sense of the visual world? It may just be.

Art of the Western World is an overview, of course, and given the wealth of material that it covers, ranging easily over two and a half thousand years, it could not be otherwise. To judge from the programs already seen, however, some attention is given to most of the issues that need to be covered. *Art of the Western World* is addressed to an age in which more than ever one cares about "visual literacy," in which the well-turned-out Westerner is expected to carry within the museum of his mind a core collection of some one or two hundred masterpieces of painting, sculpture, and architecture. Accordingly, these programs flash onto receptive young retinas what may be their first glimpses of the Parthenon and Chartres, of Donatello's *David*, Rembrandt's self-portraits, and Pollock's *Lavender Mist*. It's all there, and some works, like Claus Sluter's sculpted *Well of Moses* (c. 1400), or Tiepolo's murals at Wurzburg (c. 1750), have been chosen

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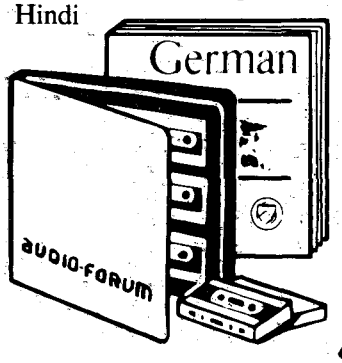

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RIGHT BOOKS

■ "Recapturing New York from the barbarianism in our midst won't be an easy chore." Too true. Herbert London makes the observation in the final essay in *Broken Apple: New York City in the 1980s* (Transaction, $24.95). He has no illusions about grand political solutions. In Gotham? Forget it. In "A Citizens' Campaign to Reconstitute New York" Mr. London offers a dozen simple steps to improve the quality of metropolitan life. My favorites are: matrons for movies theaters and billy clubs for cops. As all New Yorkers long to say with authority to our rowdy fellow citizens: Shut up! Or else.

London loves New York. He was briefly in this year's mayoral race, and is a dean at NYU. The essays in this collection were first published in the local papers. As he says, not bad for a kid from Coney Island. Not bad is right, and, in fact, many of these essays are superb. I rarely find collections of such short pieces satisfying; reading them is like looking at the scenery along Fifth Avenue from the window of a speeding taxi. And the weakness of these essays—ignoring the fact that not every one can be great—*is* their brevity. Herb London is a man who can develop ideas in argument, and the three-hundred-word format barely lets him get started. On the other hand, such economic prose does have its virtues. In "New York's Socialist Ethos," London succinctly devastates the city's rent-control policies, which result in "two kinds of city dwellers: one leading a discounted existence and the other paying through the nose for the privilege of living here." We live in a "mean-spirited place, living proof that socialism promotes envy." New York, New York. If you can make it here, Mr. London jokes, you'll make it anywhere, namely, "Moscow, Warsaw, Leipzig, or Prague." *Broken Apple* is recommended for *all* urban dwellers.

■ POWs IN VIETNAM? A recent *New York Times* article by a Veteran for Peace said categorically no, then suggested that, to be certain, we need to cozy up to the old enemy in Hanoi. But, the writer griped, the "most vehement opposition to normalizing relations comes from the MIA-POW lobby." That's meretricious: false for using, by its own admission, an invalid premise to achieve a non-sequitur; false for implying that conservatives oppose normalization.

John LeBoutillier is in favor of it. His new book, *Vietnam Now* (Praeger, $18.95), is subtitled *A Case for Normalizing Relations with Hanoi*. Since 1983, he has headed Account for POW/MIAs Inc., the "largest private group" in the U.S. dedicated to bringing home "living POWs." Does the distinction "private" mean there are public (i.e., governmental) groups searching for prisoners? Not the State or Defense Departments, which in a recent report said no credible evidence exists that there are any POWs in Southeast Asia. Those who *do* believe POWs languish argue: We may be unable to prove they *are* there, but you can't prove they are *not*; therefore, if we err, let it be on the side of those who *may* remain. Bad logic, although powerful. LeBoutillier and many others have tried everything to win the POWs' release, and failed. The futility has led LeBoutillier to a conversion. Instead of treating the Vietnamese as outcasts, he pleads, let us make them allies; then (maybe) we will get from them what heretofore they've been unwilling to give—our imprisoned comrades.

LeBoutillier's frustration at America's indifference and Vietnam's intractability has led him to a desperate end. To call it so is to pass judgment on the author's motivation, not on the merits of reconciliation. Whatever those benefits may be, LeBoutillier's summary of them is feeble. Will the Vietnamese expel the Russians and give us naval bases at Cam Rahn Bay and Danang? LeBoutillier hopes so (indeed, officials in Hanoi told him so), and since Cory Aquino will probably throw us out of Clark Field and Subic Bay, he thinks we'd better begin wondering where we'll park the Pacific fleet.

He maintains that when Henry Kissinger reneged on a firm offer of "reconstruction" aid to Vietnam, the moment was lost when the POWs might more easily have been returned, and when Jimmy Carter failed to pick up the ball, Hanoi, in desperation, invaded Cambodia! Now we'll have to *arrange* the liberation of our POWs in such a way as will help the Communists "save face," probably by allowing them to "discover" the POWs in Laos.

Typically it has been the liberal who returns from behind the Iron (or Bamboo) Curtain convinced of his hosts' sincerity, but a man of the Right, anxious to unlock a diplomatic logjam, can be bamboozled as well. The Vietnamese are not foolish, and will never voluntarily release prisoners they've steadfastly denied exist. Because they *are* concerned with "face," they must realize that the truth could not be obscured once their captives were free. Jonah knew in whose belly he lay, and no matter where the release of our POWs was orchestrated, the world would soon enough know the true locus of their captivity, thus ruining Hanoi's credibility. If American fighting men remain in Vietnam, and if we want to bring them home, we will have to go in and get them. —BRAD MINER

with a judiciousness that goes somewhat beyond the call of duty.

The tone of the series is fresh and inviting, addressing issues of no small importance with a modest sobriety that neither confuses the uninitiated nor seems to condescend to them. As is to be expected in art documentaries on PBS, the present series has a throng of Gregorian chanters to accompany the camera in its passage over the rich, cool surfaces of Amiens, as well as the dainty drone of lutes and timbrels to signify that the Renaissance and nakedness are now upon us.

Also compulsory is the omnipresent Oxbridge accent, this time the treasured possession of host Michael Wood, author of two well-received documentaries about the Middle Ages and the Trojan War. Wood does not have the Mandarin noblesse of Sir Kenneth Clarke, nor the rumbustious, down-under twang of Robert Hughes. What he does have, however, is chest hair. In a self-conscious and highly successful effort to be casual, he has left undone the first two buttons of his sports shirt, and his mop of russet hair and his ingratiating smile, which exudes earnest likability, give him the look of a Sixties Rocker of the more peaceable sort.

But Michael Wood has not written or directed the series: he merely appears before the camera. An assortment of writers and directors was called in, although the production, which is smooth and graceful throughout, does not betray the severalty of its authorship. Nevertheless, there is no compelling voice or point of view that emerges from the series, as there was in Hughes's *The Shock of the New* or Sir Kenneth's *Civilization*. In its place is something almost as valuable: each program features cameo

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appearances by two or three leading experts which, for the most part, are worth the program, even for viewers already well acquainted with the material. To those interested in contemporary art-historical writing, such names as John Boardman, Richard Brilliant, Colin Eisler, David Rosand, etc. will mean a great deal indeed. Their mini-lectures afford the series an admirably solid grounding, notwithstanding the appearance of feminists like Griselda Pollock and nihilists like Rosalind Krauss in the later programs, devoted to more recent art.

As is now the expected thing, a book accompanies the series, written by two respected art historians, Bruce Cole and Adelheid Gealt, and sold by Summit Books for $35 a copy. The book is an unexpectedly dowdy production, and it seems inconceivable that, as an introductory text, it will take a place beside, let alone supersede, Jansen or Gardner (no relation) or even Christiensen. The writing is drab and workmanlike, the reproductions are shoddy, and a ponderous format, on dull, semi-glossy paper, stands in marked contrast to the finished gleam of the television series. Something else that does not put one in a "visual" mood is the unappetizing fact that, although the binding has a ribbon, implying that it is sewn, in reality it is glued together, becoming unglued the moment it is laid flat.

The best part of the whole undertaking, both on the air and in print, is the salubrious satisfaction that all involved take in the Western artistic tradition, an attitude far removed from the hesitant relativism to which one has become so accustomed of late. In their preface, Gealt and Cole declare that "the art of the West is one of humankind's most glorious achievements . . . we unashamedly celebrate the art of the West from its glorious beginnings in ancient Greece to our own time." Michael Wood, for his part, asks whether there is "such a thing as Western tradition? If so, what is it? What are its main characteristics?" Good questions indeed, and in the right hands they could have yielded fascinating, memorable answers. Presumably he would answer them in the affirmative, but in fact they are never again raised in the course of the discussion, and the emphasis on the West is little more than the producers' triumph of labeling. They invoke it in order to get off their backs those viewers and readers who would inevitably want to know why, in a project presuming to take on "The History of Art," more attention was not given to Oriental or African or Native American artifacts.

Art of the Western World raises another, even more provocative question which, to my knowledge, no one has asked, and which I now place before the reader: Does one need to know about art? And if so, why? An affirmative answer is by no means self-evident, and until a few generations ago, if the question had been asked, which it wasn't, the answer would have been a staunch no. Surely the issue is too large and complex to be engaged fully in the space allotted, but some few general comments may guide the discussion. It used to be that knowledge about the history of art was the exclusive domain of

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amateur virtuosi or aesthetes, who were viewed with some suspicion by their contemporaries. Earlier works were studied by artists only in order to enhance their own practice, and by people of taste only in order to guide their judgment in the furnishing of their homes. Knowledge of names, dates, and periods was, in itself, virtually worthless. The history one needed to know was the history of nations and peoples, and the history of the word.

Art historiography, as we now know it, had its origins in the early nineteenth century. But it was not till the middle of this century that a knowledge of it became a necessary attribute of the "educated man." Some causes of this change are that visual art has been, since Impressionism, the vanguard art par excellence; that in an age of proliferating photographic reproduction, a knowledge of such art could be attained faster, more easily, and more exactly than could other kinds of knowledge. Now, knowledge is always better than ignorance, and to instruct people in art history, as *Art of the Western World* tries to do, would seem an unmixed blessing. But given the amount of time, money, and effort that goes into such instruction, given an economic principle in human nature whereby it can devote its limited attention to one thing only by withdrawing it from another, there is cause to wonder whether the exertion is really worth it after all. One has come to forget that the knowledge of art history is really less important than the history of nations and the history of the written word, which, despite all clamorings to the contrary, retains its pre-eminence as the prime intellectual mover of the present age. Surely there is something wrong when college students know less about the Crusades than about Chartres, less about Charles V than about Titian, less about Napoleon than about his court painter David.

Concomitant with this is the wholly unfounded belief that knowledge of art confers upon one the hallmark of the intellectually viable adult, that those lacking this information must forevermore feel somewhat left out. Art history is a noble, pleasant adjunct to a good education, but it can never be its core or foundation, nor even one of a number of equal parts. Aside from an inevitable preoccupation with recent historical events, PBS and the other networks are consistently more willing to broadcast, and their viewers more willing to watch, programs on art history than on history itself. *Art of the Western World* is a worthy attempt to dispel a certain kind of ignorance, but its success must not allow us to forget where our true priorities ought to lie. □

FILM

And Justice for None

JOHN SIMON

One thing that distinguishes a work of art from mere entertainment is that you can give away its ending without doing damage. It hardly matters whether you know how *King Lear* comes out: plot is the least important thing about it, and the surprise is only in the magnificence with which the work strikes you anew, every time. So let me give Woody Allen's *Crimes and Misdemeanors* the benefit of the doubt and call it art, which absolves me from discretion concerning its plot (which, indeed, has holes in it). The chief strength of the movie is its courage in aboarding grave and painful questions of the kind the American cinema has been doing its damnedest to avoid.

Allen tells, essentially, two interrelated stories. One is that of Judah Rosenthal (Martin Landau), a prominent ophthalmologist being feted at a testimonial dinner for raising the money for a new hospital wing, not to mention other achievements. But Judah—with a fine career, family, and reputation—has two secret blots on his scutcheon. He monkeyed around with the hospital funds, and had a two-year affair with Dolores, an airline hostess, who became threatening, wanted him to marry her, was about to break up his marriage, even reveal his financial machinations. Whereupon, despite considerable agonizing, he finally agreed to let his shady brother, Jack, have his underworld connections bump her off.

Judah has a patient and friend, Ben, a rabbi who is going blind. Ben is the link between the "Crimes" part of the film and the "Misdemeanors." In that story, Cliff Stern (Woody Allen) is a funny little fellow who makes high-minded cinematic documentaries that win footling awards and no audiences. He is married to Wendy, who will no longer sleep with him, partly because of his being such a flop compared to her two brothers: the saintly Ben, who takes blindness in his stride as the will of God; and the enormously successful and rich Lester, a TV-schlock producer who dictates his brilliant ideas into a tape recorder always at the ready in his pocket. Lester gives his brother-in-law, Cliff, the chance to direct a TV documentary extolling Lester's genius; it is produced by Halley, a young woman whom both men are after.

Lisa Haney

What the crimes are is obvious enough; what constitutes the misdemeanors is less clear. Lester's vanity, vulgarity, promiscuity, certainly; but Lester is not the one the film is about. The peccant fellow is Cliff, who cheats, or tries to cheat, on his wife (who, however, hasn't slept with him for a year—since April 20, he recalls exactly, because it is Hitler's birthday); Cliff, who tries to make an ass of Lester in the documentary (but, then, Lester *is* one); Cliff, who is consumed with envy of Lester. But what is all this compared to having a hysterical mistress rubbed out? Judah, as a boy, was taught by his father that "the eyes of God are on us always," which may be why, as he only half-jokingly says in his acceptance

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speech at the testimonial dinner, he became an ophthalmologist. But this is a non-sequitur: an ophthalmologist does not have a better, more godlike, eye than anyone else. And everything else in the film is similarly illogical.

Revisiting his childhood house, Judah sees a scene from his boyhood: a seder at which his father insisted that God was just and that all crimes were punished one way or another. A radical-feminist, chain-smoking aunt, leaning on the Holocaust, argues the opposite. The debate is unresolved, yet the vision somehow brings peace to the tormented Judah. Why? Cliff tries to impress Halley by showing her sequences from the documentary he is making about Professor Levy, an old Jewish philosopher and Holocaust survivor (a character based on Primo Levi), who argues that this is not a moral universe, but that we create the moral myths that act as a surrogate divinity. Levy sounds most compelling, and then, for no visible reason, he commits suicide.

Ben, the good, pious rabbi, can utter only comfortless platitudes when Judah spills out his guts to him; but that, surely, is no reason for him to be punished with blindness. Cliff's sister, a lonely divorcée, advertises for companionship in the personals, and gets a pervert who ties her to the bed and defecates on her face (true, as Cliff observes, he could have killed her, but still . . .). Only the worst people thrive: the ridiculous Lester (true, he has a certain fatuous charm, but still . . .); Judah, who gets away with the murder he instigated and even manages to clear his conscience; coolly ambitious Halley, who throws over the nerdy but loving Cliff for Lester the lecher.

I have read several reviews of the movie; they all disagree about its meaning, which, to me, seems perfectly clear: there is no justice, no rhyme or reason in the universe, no God. And whether you agree or not, you must admire a filmmaker who tackles *this* subject and has the guts to come up with *this* answer. Of course, good intentions in themselves are not enough, but the film, though flawed, delivers more than that. It is, I think, Allen's first successful blending of drama and comedy, plot and subplot. It is the Shakespearean technique of making the subplot comically echo and comment on the main plot. Judah, the big man, can get everything: the mistress he wants, when he wants her; her removal by assassination (at the cost of a little distress) when she becomes a burden. Cliff, the little man—less charming than Judah, but better and wittier—gets nothing. Crime pays; misdemeanor, like innocence (Ben, Levy, Cliff's sister), is severely punished.

Does this mean perhaps that the universe is ruled by a consistently evil spirit: a, or the, devil? Not even that: the young people in the movie seem nice, get engaged or married, may escape unscathed. But we can't be sure. And there is the balm of humor. Yet it is no consolation to him who has it: Cliff, the wittiest and saddest of all. He warns a little girl about show business: "It's worse than dog eat dog; it's dog doesn't return another dog's phone calls." Or he observes: "Where I grew up in Brooklyn, nobody committed suicide. They were all too unhappy." Some jokes are cornball, but still funny, like Cliff's lament to his ungiving wife: "The last time I was inside a woman was when I visited the Statue of Liberty." But only we, the audience, are laughing.

What distinguishes the film most, though, is its technical savvy. Allen cuts between present and past, plot and subplot, the film and other films or videotapes within the film, grimness and levity with a sure eye and hand. With his great cinematographer, Sven Nykvist (whose work, by the way, never looks so good for another director as it did for Bergman, but even so is quite wonderful), he gives the film a consistently tasteful look, which reflects ironically on the tastelessness of the goings-on. Moreover, he frames his shots unusually—perhaps a bit too much, and too self-consciously, so; but what a relief after the artlessly foursquare way so many directors use their cameras, or their cameramen. Study, for example, the scene in which Judah tries to reason with his rampaging mistress in her apartment: everything is off-center as it is out of kilter. Dolores is often partly or wholly hidden from view; there are many diagonal angles; Judah, alone in the frame, is often very near the edge (on edge?) and facing out of the frame, not into it. It is disorienting, disturbing—as it should be.

Or notice Allen's handling of the music, more assured and less obtrusive than ever. It is nice to have Judah, in a flashback, sweet-talking Dolores—who has just said, "You can play me the Schumann"—with "The Schu*bert*. Schumann is too flowery; Schubert is . . . he reminds me of you," only to have, later, Dolores's murder performed to the strains of Schubert's Quartet No. 15. Both the use of Schubert in an otherwise pop score, and his use at *this* point, are daring strokes. Allen now uses art for purposes beyond mere name-dropping.

But, yes, there are errors. Probably chief among them is the lack of sympathy for Dolores: there is nothing much to persuade us of her humanity, and a great deal—including Anjelica Huston's looks and performance—to make her unpalatable. And it is hard to believe that any wife in 1989—even an upper-middle-class, puritanical, Jewish one such as Judah's—could be as unforgiving as Judah imagines his to be, driving him to murder rather than confession. Some ambiguities are excessive: there would be no harm in delineating Ben's character a little more clearly; is he (as Richard T. Jameson has wondered) a saint, a fool, or a holy fool? There are also

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unnerving minor slips: Judah tells his wife to use the bathroom right away; presently, he himself will need it. In a luxury apartment such as the Rosenthals', there must be more than one bathroom.

The casting, however, is generally excellent. Alan Alda's Lester, Jerry Orbach's Jack, and Martin Landau's Judah could not be improved on. Even from amateurs, such as the psychotherapist Martin Bergmann, who plays Levy, Allen gets exactly what is needed. And Sam Waterston, whom Allen has often miscast in more dashing roles, is spot on this time as a well-meaning bumbler. Mia Farrow, though a bit blanker than usual, makes that blank work for Halley.

As for the injustice of the universe, consider this. Because of the bad reviews I've been giving Allen, Allen's people (I don't know whether he himself is in on this, though megalomania is not something he is lacking in) are denying me invitations to his screenings. And yet here I am giving *Crimes and Misdemeanors* one of its best reviews. Oh, the irony and injustice of it! Right again, Woody! □

THE GIMLET EYE

Yeltsin

D. KEITH MANO

To Low Library at Columbia, where once leftist students defecated in fine refutation of capitalism, came Yeltsin. Boris Nikolaevich Yeltsin: Ural born, 58, robust, handsome, blunt—with great comic timing and Oriental eyes that remember, no doubt, a rape done by some foot soldier of Genghis Khan in the thirteenth century. Who will tell us: "I've been here only two days and the first thing that I've seen—is that capitalism is flourishing." Outside meanwhile: several Spartacist youth hold up a placard saying, RETURN TO THE ROAD OF LENIN AND MARX. That road never got paved: some commissar sold the asphalt for fifty packs of Dentine gum. "I think," said Yeltsin, elected Supreme Soviet member, "that we should throw off false pride and, in general, take much from American experience in all areas." I don't know, Boris. You should've been at Columbia in 1968.

I was. And, to me, this is an epiphany. The payback for 1,500 hours of sour confrontation and *ad hominem* abuse. It is enough to hear Yeltsin say—before however many thousand *appreciative* leftist academics—"All this time we've been completing the irreversible construction of socialism. In fact, out of the five components of socialism, only one has been implemented—the nationalization of property. And that was done very badly." Or, "Power should be transferred from the Party to the local soviets. We have to give enterprises the right to sever their relationship with the ministries. Every social question should be decided locally." Russians have said that in public before. But never, I think, a Russian who was *returning* to Moscow.

It is time, said Yeltsin, that we discuss some kind of multi-party system. Official privilege has been a scandal since Lenin. (Yeltsin renounced all perks.) An American slum tenement would be "decent" housing in Russia. (Yeltsin headed the Central Committee's construction department under Gorbachev.) Forty-eight million (of 280 million) Soviet people live below a seventy-ruble-per-month poverty line. The Russian space program is fraudulent. Military budgets suffocate. Decentralization is critical. Baltic republics should have the right to secede. Most of all: the USSR is run by "odious" and "incompetent" men. "We have to catapult them out. The way they do it with ejection seats in airplanes. We need someone who will push the button."

Tim Bower

Which button Yeltsin himself had few qualms about poking when, by force, Gorbachev made him Moscow Party head. From December 1985 through November 1987 Yeltsin purged more than 80 per cent of the Moscow leadership—as well as, for instance, no fewer than eight hundred store managers. And his modus operandi had all the grace of a pistol whipping: public disgrace, innuendo, intimidation. Timothy J. Colton, writing in the Harriman Institute *Forum*, said, "Yeltsin's approach to human management at times smacked of Stalinism." Worse, his Moscow program was more impulsive and dramatic than particularly effective. One appointee quit after waiting ten months for an audience to discuss his new position. Yeltsin compensated with style: populist, high strung, visible, a borscht-circuit *tummler*. (He has recently published his phone number, 292-7273, if you're heading for Moscow.) Average Russians were (and still are) enchanted by Yeltsin. But, in October 1987, he gave an emotional speech before the Central Committee plenum criticizing Gorbachev. Who, bitten by his own borzoi, was livid. The several thousand Yeltsin had fired stood on line to volunteer as negative character witnesses. In February of 1988 Yeltsin fell.

Russia and the democratic West, I suspect, are profiting from an enormous and seductive ego here. Boris Yeltsin, like most men who have influenced civilization, may not be quite stable. By itself this appearance of public eccentricity and individualism in homogeneous, totalitarian Soviet culture is intriguing. Yeltsin's return to prominence, through the democratic Supreme Soviet election, was unforeseen. Colton, for one, dismissed him as an epiphenomenon after February 1988. Yeltsin is now the most popular man in Russia. And he has become more, not less, disruptive. It works, apparently. Yeltsin got to see Fifth Avenue.

As did another Soviet official, Nikita Khrushchev, with whom interesting comparisons can be made. Colton has written, "Yeltsin is the son of a Russian working class only a genera-

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tion removed from the village, and no small part of what [Fyodor] Burlatsky writes of Khrushchev's mentality applies to him: 'paternalism, a tendency to interfere in all kinds of business and relations . . . an intolerance of other opinions.' " Yes, you could see Yeltsin with one shoe off. But, instead of burying us, Yeltsin put to rest whatever credibility Communism may have had left. On the question, "Do you still consider yourself a Communist?" Yeltsin had just one word—"Mmmpfff." Slow double-take: laughter. Then, "I don't know what's going to happen to me when I come home from the United States."

What will happen? So far, not much. *Pravda* did accuse Yeltsin "of leaving behind a wake of catastrophic prophecies, interviews, and, above all, the perfume of Jack Daniels Black Label." Absurd enough: everyone in Russia would be a full-time alcoholic if he or she could afford it. More astonishing—a reliable source in U.S. intelligence told me that Yeltsin's grand tour was carried *live* on Soviet TV. Can it be that Yeltsin is useful to Gorbachev? How? By enticing U.S. investment? I wouldn't advance one Triborough Bridge token to the hungry, restive, dysfunctional nation that Yeltsin described.

Outside Low Library a Spartacist child shoves his pathetic newspaper at me. "Too late," I tell him. "You were born in the wrong decade. Might as well be selling spats." He'll find a new gig, I'm certain. But what about that liberal over sixty, who has implicated himself in the slow massacre of *X* million Soviet people under Stalin? Surely retribution is due: overdue. I think, as any gentleman would, that he should at least forfeit the right to speak on public issues. Or, more honorably, he should jam a revolver against his temple. That may sound harsh, but it isn't really. These have never been gentlemen. That's the point, after all. □

BOOKS IN BRIEF

The Unreality Industry, by Ian I. Mitroff and Warren Bennis (Birch Lane Press, 207 pp., $17.95)

AMERICANS are treated to vast doses of unreality, not to say aggressive rewrites of history, as any viewer of the morning news shows, or any reader of the news magazines, can attest. So one opens *The Unreality Industry*, subtitled *The Deliberate Manufacturing of Falsehood and What It Is Doing to Our Lives*, with some zest. Television and other vehicles of mass communication, the authors write, "have degraded our general level of education and debased our national discourse." Because of their falseness, society is "less and less able to face its true problems directly, honestly, and intelligently." Not a bad premise for a book, certainly—but the authors rather quickly set out their own agenda, and the reader is treated to the spectacle of a couple of ex-rads pulling a temper tantrum, with Greed in Reagan's America the object. "We haven't had a real sense of purpose, as a people, since the Sixties," they whine. "The fact of the matter is that the U.S. today lacks a true purpose to give meaning to people's lives. There are no shared, grand causes for which we are fighting." These are "mean, greedy times." The authors' prose is turgid and rambling, and they mistake complete opacity for "immense complexity" (their favorite two words) and muddleheadedness for revelation. How else to explain what the authors call the "quintessential essence" of the "new thinking," the ability to "understand and to appreciate complexity and paradox"? Or—and this is a favorite of the more childish of ex-hippies everywhere—America's "invention" of Ronald Reagan? "Ronald Reagan is the superconductivity of our minds." Can anyone explain such blather? Not being able to wish away the past decade, Professors Mitroff and Bennis are content to stamp their tiny feet. —JOE MYSAK

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Editor, National Review

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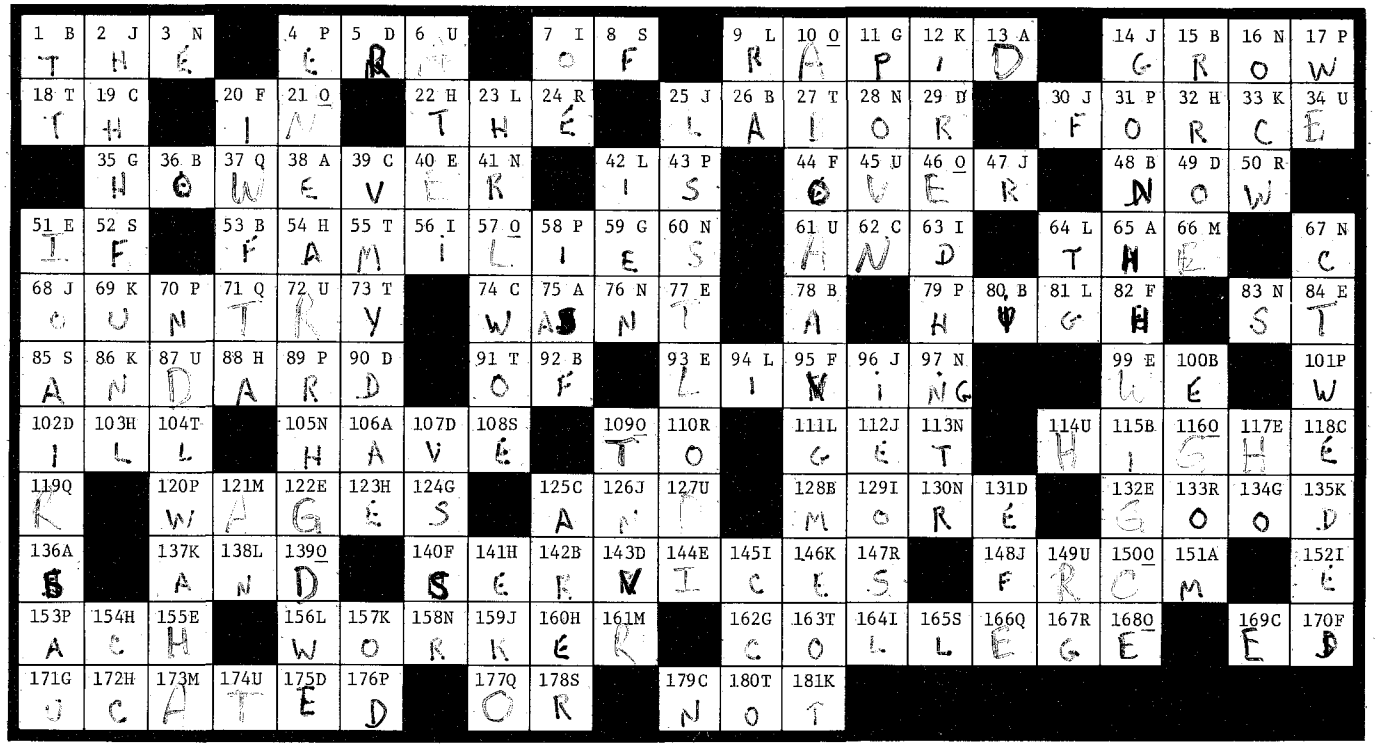
TRANS-O-GRAM / Kem Putney



DEFINITIONS

A. Humiliated — 75 136 65 106 151 38 13

B. Renewed pledge — 142 100 26 92 53 115 15 128 78 1 / 80 36 48

C. Eli's home (2 words) — 62 169 74 19 125 39 118 179

D. The ultimate gear — 49 107 175 5 90 29 102 143 131

E. Not a heavy hitter—or thinker — 93 144 132 117 77 99 40 51 122 155

F. Peaceable — 170 44 95 20 140 82 / 84

G. Marsupial "trunks" — 11 134 171 162 35 59 124

H. Step on it — 88 154 172 141 103 160 32 54 22 123

I. Thirtieth President — 145 129 7 164 56 63 98 152

J. *Achille Lauro* victim — 159 25 96 126 14 2 68 148 30 112 / 47

K. Lauro Cavazos's domain — 146 135 69 33 137 181 12 157 86

L. Conservative (hyph.) — 9 94 111 23 64 156 42 138 81

M. Neighborhood — 173 161 66 121

N. Cygnus (2 words) — 76 28 41 113 105 3 158 97 67 130 / 16 83 60

O. Stretched out — 168 57 150 21 116 10 109 46 139

P. High-rise peeping Tom? (2 words) — 101 58 70 176 31 120 17 153 43 79 / 4 89

Q. Penned — 37 119 177 71 166

R. Lake Ontario port — 133 147 50 24 167 110

S. Drawing — 178 85 52 8 165 108

T. Brainy operation — 104 180 27 91 18 163 55 73

U. Luke Skywalker nemesis (2 words) — 127 6 149 174 114 45 61 87 34 72

DIRECTIONS

The object of TRANS-O-GRAM is to fill in the puzzle diagram by guessing the words from their definitions, and transferring each letter of the guessed word to the correspondingly numbered square in the diagram. When the diagram is filled in it will spell out a quotation from some published work (reading normally from left to right, black boxes indicating the ends of words); also, when the words have all been filled in above, their initial letters will spell out the author and title of the quoted work. The acrostic feature, and the relative word-lengths in the diagram, will assist in the solution. Spelling and definitions on the authority of *Webster's New International Dictionary*, Second Edition. **See page 52 for solution to last Trans-O-Gram.**

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did not originate with him is taken. That said, the NR *account of how it took shape was confirmed by sources close to the story. Finally, I tried to reach Mr. Goodin at home several times and was eventually told by an acquaintance that he was out of the country.* —*WMcG*

A Better Germany

Your question, "Why not change the Germany you're in?" ["Deutschland, Deutschland Over There," "The Week," Nov. 10], is the most profound statement of the whole East German disaster. As a West German, I have been appalled on visits in recent years to see how West Germany has undergone changes that the government has been either unwilling or unable to stop. There are thousands of people streaming into West Germany every day from various parts of the globe—Turkey, Greece, Italy, Pakistan, India, etc. Now the East Germans are arriving by the carload, and the already overburdened West German taxpayer must fork over more cash.

It is all very well to rejoice in the fact that the Communist system is so patently failing, but one wonders: Is the West really prepared to foot the bill? Clearly, the unfortunate people in East Germany will have to change the system from within if they want a better life.

Carmen G. Allen
Bottineau, N.D.

Deficits and Savings

I concur with Ed Rubenstein in his assessment ["On the Scene," Oct. 27] that data indicate the federal deficit consuming a diminishing proportion of personal savings. I also wholeheartedly agree with his implied (I hope) argument that this deficit is still unacceptably high.

I should like to point out, however, that the deficit figures he uses are dramatically understated in that they include income from trust funds. If a businessman used trust-fund income to offset general-fund losses he would be hauled off to the hoosegow forthwith; this is, in fact, similar to the fate which has just been bestowed upon Jim Bakker.

Accordingly, federal deficits for the years mentioned—*excluding* trust-fund surpluses—are:

Fiscal Year	Deficit ($ billions)	% of Personal Savings
1973	25.6	28.8
1980	82.6	60.3
1986	283.0	226.6
1987	222.4	218.5
1988	252.9	174.8
1989	283.4	140.6

It seems apparent that we need to increase savings *and* decrease deficits in order to ensure our nation's economic future.

William E. Dannemeyer
Member of Congress
Washington, D.C.

Like it or not, Social Security is part of the Federal Government. To the extent that the trust funds are in surplus, the government borrows less, and more personal savings are available to finance private investment. This is not to say that we save enough or that the federal deficit is low enough. I personally would like to see deficit targets stated exclusive of the trust-fund surpluses. For practical reasons this might be inadvisable, however, as it would almost surely increase sentiment for a tax increase. —*ER*

"Midway this way of life we're bound upon,
I woke to find myself in a dark wood,
Where the right road was wholly lost and gone."
Inferno, Canto I

A composite suggested by the work of Gustave Dore.

Dante needed a guide to take him through his pilgrimage from the Darkness of this world to a glimpse of Eternal Light — so does the student in every present age. Vergil, the wise poet of the past, led the Florentine poet of the present, but he was guided in his thought by others, too. Cicero, Aristotle, Ptolemy, and St. Thomas Aquinas also leave their imprint on the *Divine Comedy*, and over them all is the Divine Wisdom of Holy Scripture and the Church.

It is the same today. The wise of all ages, ordered and marshaled by Divine Wisdom, can guide us on our journey from the wilderness of ignorance to the city of Truth.

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Solution to Last Issue's Trans-O-Gram

BERNARD COHEN:

Meltdown Myth

For nuclear power to be as dangerous as coal-burning we would have to have a melt-down every two weeks . . . somewhere in the United States. If that statement is shocking, it is because the dangers in a melt-down have been grossly oversold by the media.

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The Japs Capture Rockefeller Center

NEW YORK, NOVEMBER 3

With some excitement, the reporter from CNN called to ask if I would make a statement on the Japanese acquisition of Rockefeller Center. The tone of voice was such as would have been appropriate in response to a bulletin in 1945 that the Japanese had reoccupied Okinawa. The clear implication is that all good men & true are invited to experience a xenophobic rush, and perhaps pour a little powder into our muskets.

Granted the special significance of Rockefeller Center. (Mr. David Letterman opined that Ronald Reagan was in Japan peddling skyscrapers.) And you could detect, without being paranoid on the subject, just a trace of the attitude that says: What would you expect of the Rockefellers? For all their fancy talk about charity and all that stuff, they'd sell out the heart of America for a buck!

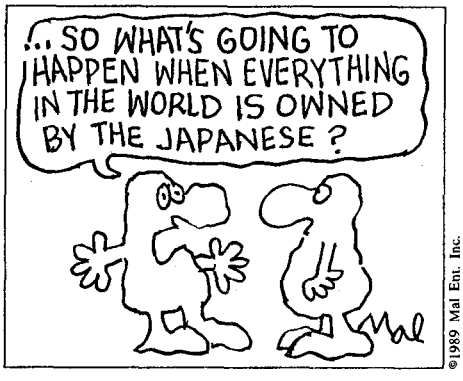
Well, my reactions are different. The Japanese have a very special feeling about real estate. Membership in a golf club in the vicinity of Tokyo is $1 million. Did you know that the value of real estate in Tokyo is greater than the entire value of the United States, including Willow Run and every McDonald's hamburger stand? That's what the books tell you, which tells you a lot about the usefulness of books, given that the GNP of the U.S. is about $4.3 trillion, and that of Japan a mere $1.6. But land is a non-fissiparous object, the insight that made Henry George so famous a century ago. He pointed out that labor could be multiplied almost infinitely: the birth rate is a volatile and indeed, up to a point, a regulatable commodity; and tools—capital—are as abundant as you wish them to be (you instruct the assembly line how many hammers to make). But land speculation is infinitely inviting because there is only so much land.

It is a matter of pride with many Americans, let's face it. The very idea that that center of journalistic and architectural modernity, Rockefeller Center, should belong—to another country. Yet, economically, there is no way one can construe it as a damaging exchange. The Rockefellers now have $846 million they can do something else with—drill for more oil, build more buildings, train more Rockettes, endow more universities. And we have repatriated a whole lot of dollars we spent buying Sonys and Toyotas.

There is only one way, in the last analysis, that we can confidently assert our economic superiority to other nations: and that is to outperform them. If the Japanese are outperforming us in manufacturing, one can't get any angrier than we'd get if a Japanese athlete beat an American athlete at tennis. We could redouble our efforts to encourage our young tennis players; even as we must redouble our efforts to make American automobiles more attractive. Such efforts are being made, and here and there are paying off, but the fact of it is that 30 per cent of American purchasers prefer foreign cars, and it is entirely un-American to tell them they can't buy at the stall they wish to patronize.

But American ingenuity has always been a valuable resource, and here is an idea for the Rockefellers and their $846 million.

Why not buy the Eiffel Tower? Granted, it would take a little fixing. But is there any reason why the French government can't be persuaded to privatize the Eiffel Tower? It has been losing money lately, we learn. The Rockefellers could discreetly get behind a movement to persuade the city of Paris to sell the Tower, just as a U.S. lobby finally succeeded in getting the city of Paris to authorize the building of that great big Hilton Hotel—and then, one day, we'll see the U.S. flag flying on top of the Eiffel Tower! And we can use that great regal facility to beam out our entertainment programs, including the floor show at Radio City, if we can make a deal with what Spiro Agnew used to call the Fat Japs. □



Abortion And The Rapee

NEW YORK, OCTOBER 25

When President Bush said that he would veto the congressional measure that would provide financial aid for abortions in the event of rape or incest, the comment by Ms. Kate Michelman was, "Today's official veto shows George Bush to be mean-spirited [and] without compassion. . . . With one stroke of his pen, President Bush today condemned impoverished women to continue crisis pregnancies that can destroy their lives." Now that language does not surprise, because Ms. Michelman is the executive director of the National Abortion Rights Action League, and that's the way lobbyists talk.

But it is something quite different when equivalent words are used by such as A. M. Rosenthal, the distinguished columnist for the *New York Times*. Mr. Rosenthal was so much affronted by the presidential veto that he said it actually makes it difficult for him, in dealing with foreigners, to defend Mr. Bush. What do you say to them? "They ask you if the President of the United States really means it when he says a poor girl raped by her father should not be helped to get an abortion."

The vetoed measure, and the discussion surrounding it, beg for the application of reason. And the application of reason is very difficult when the emotions are greatly stirred. But here are a couple of rules Mr. Rosenthal, and others bowled over by Mr. Bush's decision, should remind themselves of.

The first is the old saw that hard cases make bad law. That axiom is not an entirely comfortable fit here, because what Congress was discussing was the authorization of money for abortion under various circumstances—not the act itself. Still, it is illuminating to ponder the use of the truly melodramatic example in order to test one's belief in a principle.

For instance: "Do you believe in lying?"

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Answer: No. "Would you lie to the KGB if they came to your house at midnight and asked where your son was?" Answer: Everybody, with the possible exception of Sissela Bok and Immanuel Kant, would lie—with untormented conscience.

Another example: "Do you believe in capital punishment?" Answer: No. "Would you hesitate to execute Adolf Eichmann notwithstanding that he was the principal architect in the execution of six million Jews?" Answer: You are overstretching my opposition to capital punishment. Israel forbids capital punishment, but it nevertheless hanged Eichmann when it got hold of him. Few people have wasted their time condemning Israel for hypocrisy.

Now Mr. Rosenthal makes a huge case against George Bush on the basis of the "poor girl raped by her father." Before doing that, one should ask antecedent questions, the first of them being, surely: Is there a problem today that significantly afflicts girls in that position, who want an abortion but can't afford one? I tried to do a little research into the question (how many people are we talking about?) and got absolutely nowhere at all.

For relief, I read the debate in the *Congressional Record*, and, to my surprise, there was not a single allusion to the plight of the daughter pregnant by her father—almost the whole of the debate dealt with the question of abortion for victims of rape. Congressman Henry Hyde led the opposition to an extension of federal funding of abortion. He did, actually, the opposite of citing a hard case as an unreliable guide to evaluating a law. He gave the name of Ethel Waters, the great black singer in whose name they dedicated a park in Lancaster, Pennsylvania. Miss Waters is the daughter of a 12-year-old rapee, and all the world is grateful that she was not aborted, even as we are grateful that the fourth child of a syphilitic father and a consumptive mother, with two tubercular older sisters, was not aborted, else we'd be without Ludwig van Beethoven.

But I'm-glad-we-didn't-abort-Shakespeare is no more creditable an argument than Mr. Rosenthal's complaint about the hypothetical victim of her father's lust. The question facing Mr. Bush wasn't: Do you sympathize with the woman who is the victim of rape or of incest? but rather: Should federal financing of abortion be expanded? On this he has taken a principled position. And those who denounce him for acting according to conscience must wonder how it is that no abortions—zero abortions—were legal up until a couple of decades back; and during that period, Mr. Rosenthal had no serious problem in discussing U.S. policies with foreigners.

It is always a question of perspective. Thomas Jefferson had to engage in civil conversation with foreigners even on days when he had written home to discuss the disposition of his slaves. We can't know what will be the ethical consensus, a generation from now, on the question of abortion. But Mr. Bush's veto will not stick out like the *Dred Scott* decision. □

Nixon's Penultimate Days

NEW YORK, OCTOBER 30

The reaction by Richard Nixon to the dramatization of *The Final Days* was one of massive retaliation: he changed his credit card from AT&T (the program's sponsor) to Sprint. He did this, by the way, without previewing the film, and indeed no one in his right mind would have expected him to re-experience the tortures of 1972–74. One cannot imagine Sir Thomas More or Joan of Arc taking satisfaction from visiting again the events that led to their torture and execution. On the other hand, Leonard Garment, counsel to Mr. Nixon and a true cosmopolite, exploded in rage after seeing the film, denouncing it and all its implications in a *New York Times* Op-Ed piece.

Here is a view from someone unattached to the events of Watergate: In my judgment, the production was superb, and the characterization of Richard Nixon a masterpiece. If there is a prize out there for artistic impersonation, it should go to actor Lane Smith. One pauses to express gratitude that he had no part in the writing of the lines, as witness the words with which he expressed himself to a television interviewer. ("When they got after Nixon, there were more people investigating him than ever investigated the Kennedy assassination. Imagine this guy on the end of all this negativity directed against him, and it amounts to great proportions. This is Greek tragedy." This is Impossible Prose.) The Richard Nixon of *The Final Days* is a man who made a relatively trivial mistake in judgment but saw it magnified into a cosmic event which dominated the course of nations.

And the nobility of the outcome of it all is hard to deny. There is fleeting reference in the three-hour drama to the detection of Spiro Agnew as a petty thief, about whom nothing more was ever heard. But the obstinate loyalty accorded to Nixon could not have been inspired by a lesser man, and is all the more striking given his obvious weaknesses. When he appears in the living room of the White House to inform his family that he has decided to resign, his son-in-law, lawyer Ed Cox, warns him: "They won't let you alone. They hate you with a passion."

Nixon reacts by wondering out loud to his lawyer, Fred Buzhardt, "Will I be prosecuted?"

"Impossible to say."

"Well, if they want to put me in jail, let them. At least that will give me time to do some thinking. All the best writing is done from jail. Take Gandhi." Buzhardt tries to console Nixon by telling him that if other Presidents had been subjected to similar scrutiny, almost certainly every one of them would have left office in similar circumstances. So Leonard Garment tells us that words were put in his mouth he did not utter. Or—more accurately—not enough words were put in his mouth which he did utter. And he flatly denies the moving scene in which Nixon and Kissinger descend to their knees, under the prodding of Nixon, to seek divine help, a scene that ends with Nixon prostrate on the floor in tears. To which one can only say: Perhaps it didn't happen, but if it did, it adds to every inclination to esteem the man, Richard Nixon: the victim of the most lethal of all Richard Nixon's enemies, Richard Nixon.

The salient dramatic point is that never in modern times has there been such a resurrection. Fifteen years after the most ignoble departure from the White House in history, Richard Nixon is in China, plying his international wares. Three years ago he received a standing ovation from the Washington press corps. He has written a half-dozen books which have been seriously reviewed. He is widely respected by professional diplomats all over the world.

And, in their own way, the American people, viewing his weakness, recognize it as very nearly universal in character. That little mistake, which began as a banana peel and ended as the last days of Pompeii. It is a universal theme, celebrated with great pitch and wit by Tom Wolfe in his *Bonfire* novel. The drama can only serve to bring the American people closer to Richard Nixon, and that surely is what, above all other things, he has wanted. □

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OFF THE RECORD

■ House Republicans were shocked when the Bush Administration raised the white flag on minimum wage just when victory was in sight. This was the issue on which the President said he was "drawing a line in the sand." Well, the Democrats just walked right over it.

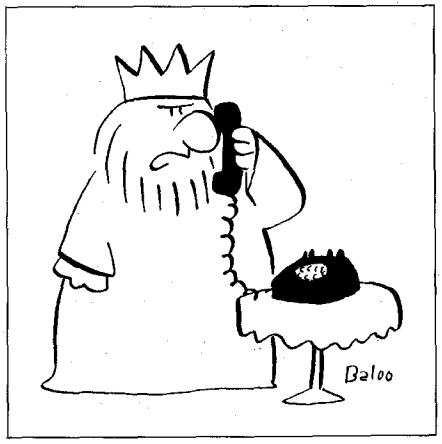
Originally the Administration was willing to accept an increase in the minimum wage from $3.35 an hour to $4.25 an hour, phased in over three years, with a provision for a six-month training period where wages could be lower. Plans called for the White House to veto any Democratic counterproposal, and that was the strategy going into the fight.

On Halloween Tuesday, however, the Administration apparently panicked when it saw a Whip poll showing that there were not enough votes to sustain a veto—though Republican sources tell Cato the votes were in fact there. In any case, the Administration's Office of Congressional Affairs sat down with the AFL-CIO and worked out a compromise of $4.25 an hour over two years with a ninety-day training period, essentially what the Democrats wanted. The scandal was that House Republicans were cut out of the deal, even though the White House claimed they were consulted. The cave-in sent a clear signal to the Democrats: The way to get things done is to bypass House Republicans and lean on the President.

■ Just when you thought we were safely out of UNESCO, moves were afoot to woo Uncle Sam back to the land of subsidized milk and honey. The U.S. withdrew from the Paris-based United Nations Educational, Scientific, and Cultural Organization back in 1984 over concerns that the style of Director General Amadou Mahtar M'Bow was more Sun King than social worker. Mr. M'Bow was replaced in 1987 by Federico Mayor of Spain, and, though there has been some improvement, still almost 70 per cent of UNESCO's $375-million budget is spent in Paris, where 80 per cent of the staff can be found.

The pressure for American re-entry comes as the organization's general conference completes its report. Apart from UNESCO's champagne tastes there is also the matter of permitting countries to license (and therefore regulate) journalists, a pet concern of UNESCO's executive board that is squarely at odds with the position America has already taken in, say, our Bill of Rights.

Among those interested in America's rejoining UNESCO, our sources report, is the U.S. representative to the UN, Thomas Pickering. Although Mr. Pickering's territory does not include UNESCO, his staff was calling Washington with all sorts of ideas, including having Barbara Bush do a video on illiteracy for UNESCO. This idea was scotched, however, when the First Lady's staff got hold of an article in the *Guardian* reporting UNESCO's view of her as "the only person in Washington with the right combination of influence and fuzzy-mindedness to rescue UNESCO from its peril." Mrs. Bush proved to be more clear-minded than UNESCO calculated, so the show will go on without her—and without the American taxpayers' $40-million contribution.



"This is your last warning, Attila—keep your Huns to yourself!"

■ The White House appears intent on repeating the William Lucas fiasco, in which the Administration failed to win Senate approval for its nominee to head the civil-rights division of the Justice Department. The Administration allowed months to pass before Mr. Lucas's nomination came up for Senate approval, giving the civil-rights establishment time to mount a successful attack.

We bring up the Lucas case because the White House only now has got around to nominating Clarence Thomas to the U.S. Court of Appeals for the D.C. Circuit, though his name had been floated as far back as May. Almost immediately, an example of the treatment such nominees can expect was given by the American Bar Association when it issued only a "qualified" rating for the conservative Mr. Thomas. This was the same organization, mind you, that rated Robert Bork "not qualified" for the Supreme Court even though it had given him an "exceptionally well qualified" rating when he was up for the Circuit Court. For comparative purposes, Pat McGuigan of the Free Congress Foundation has come up with a chart of ABA ratings showing that—surprise!—liberal appointees have consistently been rated at "well qualified" or higher, while conservatives, with the exception of Judge Bork and David Sentelle, always come out at "qualified" or lower.

Others close to the process tell us that the key to the Thomas nomination will be the position taken by the thirty-million-member American Association of Retired People. Although the group has never before taken a position on a nominee for a judgeship, AARP has been critical of Mr. Thomas's tenure at the Equal Employment Opportunity Commission, where he refused to sanction group rights for the elderly.

AARP lobbyist Michelle Pollack says her organization "hasn't yet decided" whether it will break with precedent and get involved in the Thomas nomination process. Doubtless one thing holding AARP back is its disastrous endorsement of the catastrophic-illness bill, highly unpopular with the senior community. The last thing AARP needs now is to have President Bush remind the country, and especially the thirty million AARP members, about that embarrassment. —CATO

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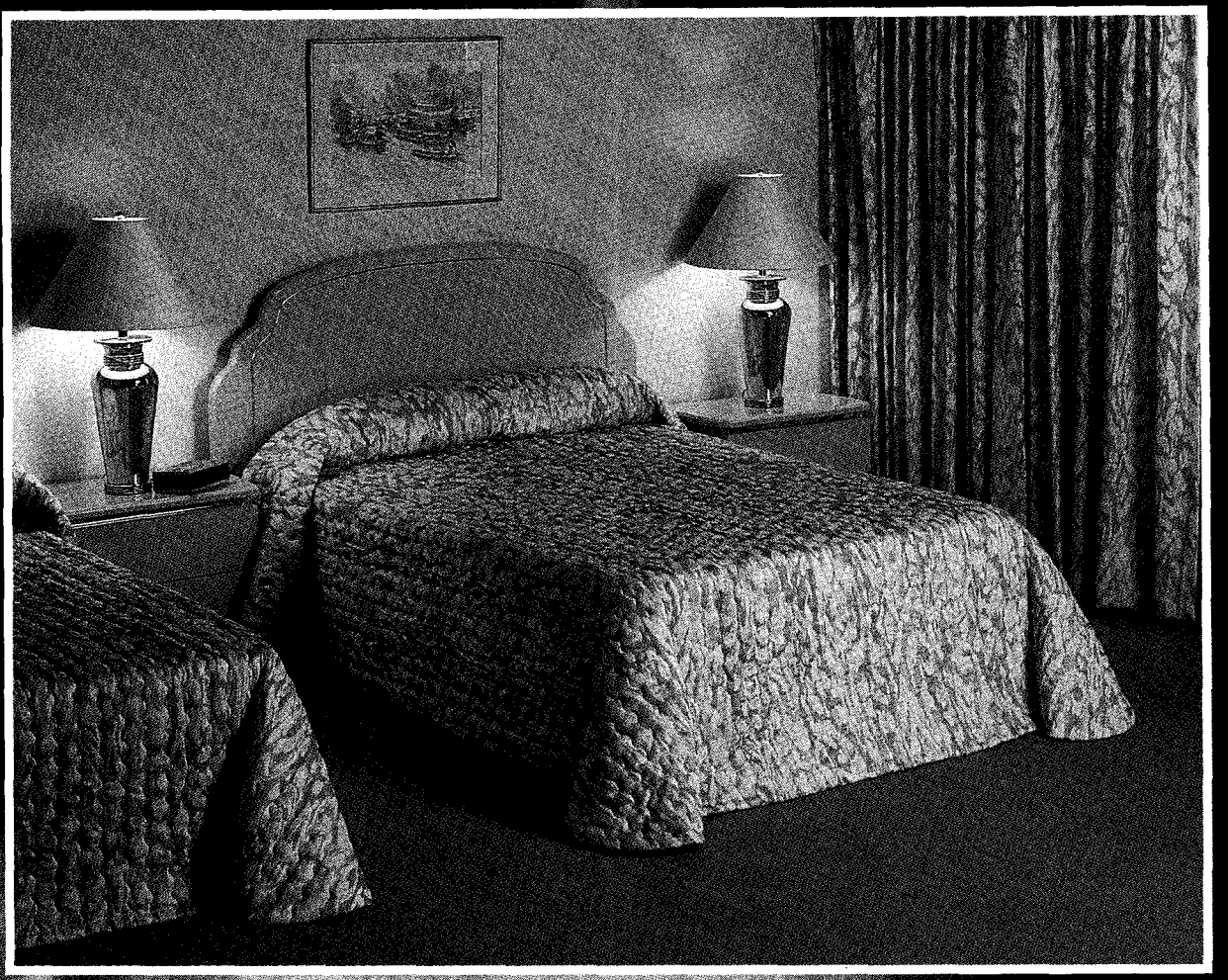

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